

The Operationalization of the HRBA by International NGOs

*A Case of ActionAid's Intervention on Women's Rights in
Rumphi District, Malawi*

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Abstract

A Human Rights-Based Approach (HRBA) to development has been adopted by numerous international NGOs, multilateral and bilateral agencies. In theory, the HRBA has the potential to dislodge inequalities and discrimination that perpetuate poverty. However, the implementation of the HRBA at the local level has been a challenge. This thesis is an examination of how the HRBA is operationalized at the local level by international NGOs and its actual impact on women's empowerment. In order to achieve this, a case of ActionAid's intervention on women's rights in Malawi's Rumphi district, was studied.

Contrary to what an HRBA assumes, the study indicates a top-down approach during the implementation of the project. This shows that the HRBA as applied by AAM did not lead to a radical transformation of power relations among development actors namely: the donor, AAM staff, the RWF and the right-holders. This in turn limited the desired empowerment outcomes among the right-holders. The study established that there are many challenges that affect the implementation of the HRBA. These include low education levels among the right-holders, high poverty levels and lack of financial resources to implement a holistic approach. The study further indicates that the HRBA aided in filling the knowledge gap among women on various developmental issues. However, the study confirmed that such intangible benefits do not address the immediate needs of the right-holders. The study suggests that for effective poverty reduction, development actors must consider blending the HRBA with other approaches in order to address the immediate needs of the right-holders.

Acronyms

AAI: ActionAid International

AAM: ActionAid Malawi

ADC: Area Development Committee

BESP: Basic Education Support Project

CBO: Community Based Organisation

CEDAW: Convention on the Elimination of all forms of Discrimination
Against Women

CHRR: Centre for Human Rights and Rehabilitation

COWFA: Coalition of Women Farmers

CSO: Civil Society Organization

CSP: Country Strategy Paper

DEC: District Executive Council

GVH: Group Village Head

HRBA: Human Rights Based Approach

ICEIDA: Icelandic International Development Agency

IMF: International Monetary Fund

IWILGED: Invigorating Women's Influence in Land Governance and
Economic Development

MGDS: Malawi Growth Development Strategy

MHRC: Malawi Human Rights Commission

MHRRC: Malawi Human Rights Resource Centre

NGO: Non-Governmental Organizations

NGOGCN: Non-Governmental Organizations Gender Coordination Network

NCA: Norwegian Church Aid

NCHR: Norwegian Centre of Human Rights

PACE: Partnership in Capacity Building in Education

PRRP: Participatory Reviews and Reflection Process

UDHR: Universal Declarations on Human Rights

UN: United Nations

UNDP: United Nations Development Programme

UNOPS: United Nations Office for Project Services

RWF: Rumphi Women Forum

REFLECT: Regenerated Freirean Literacy through Empowering Community
Technique

SDC: Swiss agency for Development and Cooperation

TOT: Trainer of Trainers

VDC: Village Development Committee

VSL: Village Small Loans

1. Introduction

A Human Rights-Based Approach (hereafter HRBA), has been embraced with excitement by numerous international NGOs, multilateral and bilateral agencies. As an idea, the HRBA has the potential to address poverty in a more comprehensive way by taking into account the structural causes of poverty thereby challenging inequalities and discrimination embedded in our societies. Despite the growing popularity of the HRBA, it has also raised a serious debate amongst scholars, political analysts and development activists. Sceptics fear the emergence of another development buzzword, questioning its ambiguity and impact on development outcomes. But notwithstanding the critics of an HRBA, several international organizations like: the UNDP, Oxfam, ActionAid International (AAI) and the Norwegian Church Aid (NCA) appear committed in theory to its implementation.

This thesis is based on the HRBA and aims to investigate how the approach has been applied in Malawian context. Malawi provides an interesting case because of its prevalent poverty situation despite various strategies aimed at improving economic growth and providing efficient delivery of public services, which have been pursued over the past years. The deficiencies in the past state-led development approaches and the decision of donors to withhold budget support has inevitably led to the explosion of international NGOs as a development alternative (Chinsinga 2007). As a result, the country is highly dependent on donor aid thereby being influenced by donor ideology. However, given the above contention, it remains to be seen whether the approach has any impact on poverty reduction.

The study aims to build on previous studies on the HRBA and investigates what it means to put such an ambiguous theory into practice and its impact on development. The main research question is: How is the HRBA operationalized at the local level by international NGOs? In order to address

this question, the study focuses on ActionAid's intervention on women's land rights in Rumphi district. My choice of ActionAid is based on its holistic understanding of the causes of poverty. In view of this, Cornwall and Nyamu-Musembi (2005: 1430) observe that "ActionAid has been bold about attributing poverty to unequal power relations, and therefore speaking of it as a violation of rights, and seeing a HRBA as a powerful tool for challenging those unequal power relations". As such, when compared to any of the mainstream development NGOs, ActionAid may have the most deep rooted HRBA with human rights standards and principles put at the centre of strategies (Nelson 2008).

The study aims to contribute to the existing literature on the operationalization of an HRBA to development. The HRBA literature reveals a study gap on the impact of an HRBA in policies and programming which is a critical element of the approach that must be further researched (Gauri and Gloppen 2012). The findings would be useful to scholars and policy makers who might benefit from the shift from theoretical arguments to evidence-based arguments, which would make the approach more practical on the ground (Katsui 2008, Schmitz 2012). Furthermore, the study is also of personal interest to me. As a Malawian secondary school teacher of Social and Development Studies in a semi-urban area, I have witnessed the reality of vulnerable groups in everyday life. Inspired by the added-value of the HRBA, my hope in undertaking the study is to investigate the potential of an HRBA to women's empowerment. But with the extreme disempowerment that women in rural areas find themselves in, and the alien nature of the HRBA values, one wonders how these conflicting issues are reconciled.

1.1 Background

Malawi is one of the poorest countries in the world as its economy is mostly agricultural and largely depends on economic assistance from donors.

Worsening the poverty situation is that it has a distinct gender dimension whereby the majority of rural subsistence farmers are women but they are denied equal rights in land and property ownership. Women's secondary rights to access land and limited control over land is a result of unequal power relations, patriarchy, widespread disregard of women's voices in resource-based decisions, discrimination in access to information, and limited access to justice. These in turn hinder women in negotiating their land rights (ActionAid 2012b). Moreover, women's rights are weak and violence and abuse against women and girls is widespread both in the work place and in the domestic arena (NORAD 2010). All these factors intensify women's overall poverty.

Furthermore, just like in many developing countries the enjoyment of economic, social and cultural rights is far from reality. For example, the 2012 MHRC report indicates that the realization of economic, social and cultural rights is challenged by issues of land dispossession for the poor by Government agencies and private institutions, huge unmet needs in the area of education and health services and challenges in the service provision of water, energy and electricity resulting in negative consequences on peoples livelihoods (MHRC 2013). In general, the enjoyment of a Constitutional right to development is greatly affected by the failure by citizens to demand their rights due to among other factors low skills to demand rights and inaccessible redress channels and the lack of or disjointed demand of civil, political, economic, social and cultural rights at all levels (CHRR 2012).

In an endeavour to end poverty and promote human rights, the Government of Malawi is formally committed to various international covenants and treaties, human rights provisions in the Constitution and a set of laws and institutions.

Despite this, little has been done on the ground to stop the exploitation of vulnerable groups as the government still faces challenges to meet these aspirations. Consequently, many NGOs function as service providers, filling the gap where donors and the Government are absent either because of poor targeting or policy gaps. Since human rights are mostly ignored, it has given an opportunity for civil society to use the human rights framework despite their lack of experience (Samdup 2006).

At the moment, a number of international NGOs claim to use the HRBA but with mixed results in that the HRBA yields results in the midst of challenges (Crawford 2007, Banik 2010, White 2010, Patel 2011). As such, the effectiveness of an HRBA in Malawi requires a consideration of many factors including the pervasiveness of the poverty situation, the obscurity of economic social and cultural rights and the political will both at the local and international level just to mention a few. But to what extent do NGOs that have adopted an HRBA take into consideration such factors in their development initiatives?

1.2 Research Questions

The main research question is as follows: How is the HRBA operationalized at the local level by international NGOs? In order to address this question, the study is guided by the following two interrelated sub-questions:

What are the implementation challenges of an HRBA when applied to development interventions?

What is the actual impact of using an HRBA at the local level in relation to women's empowerment?

1.3 Research Methodology

1.3.1 Qualitative and case study approach

Qualitative research seeks to collect data in natural settings, rather than in artificial and constructed contexts (Scheyvens 2003). This study employed a qualitative research as it seeks to understand how the HRBA is implemented in a local context. This research method was chosen because the study sought to have an in-depth understanding of how the HRBA is operationalized at the local level by development actors namely: NGO staff, village heads, project facilitators and women, involved in the project under study. The goal was to comprehend participants' understanding, knowledge and experiences on the HRBA to development as operationalized in their social contexts (Glesne 2006). The advantages of using a qualitative methods in this research is that it led to the understanding of the HRBA from the insider's perspective, that is, as it is understood by participants in their community (Ary 2006).

Further, the researcher's choice is based on the fact that qualitative research offers a variety of sources. This study employed a number of sources ranging from the use of interviews, focus group discussions, observation and inspection of documents. The study's conclusions are based on triangulation of data from these different sources. This convergence added to the study's credibility (Yin 2011).

This study employed a case study approach as one of the research designs to do qualitative enquiry. A case study is defined as an empirical investigation of a specified or bounded phenomenon (Alasuutari 2008). The goal is to arrive at a detailed description and understanding of the entity (Ary 2006). This is in line with this study as it focused on ActionAid's Tilitonse project in Rumphi district in order to have a broad understanding of project activities as possible. The key advantage of a case study in this research is that it brought a distinct

view of reality because I was in touch with the local practices and real life situations of participants. Moreover, being a single case, it revealed more information as it activated more actors in the situation studied (Silverman 2006).

1.3.2 Fieldwork

Fieldwork was conducted in Malawi for three months between 01 September and 04 December, 2013. The focus of the research was two sites. The first site was Lilongwe, the capital city of Malawi and the target participants were program coordinators of international NGOs and human rights organisations which included: ActionAid Malawi, Oxfam Malawi, UNICEF, UNDP, NCA Malawi, Malawi Human Rights Commission (MHRC) and the Centre for Human Rights and Rehabilitation (CHRR). My choice of international NGOs was based on the fact they use the HRBA in programming while the local human rights NGOs were chosen for their long-standing history in the promotion of human rights. The target participants were senior officers based at the organisations' headquarters in Lilongwe. Access in these organisations was gained in two ways. The first way was by sending emails to the respective officers with a brief summary of the project. This was followed by making appointments for in-depth interviews with respective officers. In cases where emails were not replied, appointments were made by phone calls and in person after a brief explanation of the study, which was documented.

The second fieldwork site was Rumphi district, which is located in the northern region of the country and is approximately 70 km from Mzuzu city, the northern region's commercial hub and 435km from Lilongwe, Malawi's capital. The total area of a district is 6,640km² (Malawi Government, 2009), which is divided into Traditional Authorities (hereafter T/As), headed by senior chiefs. The district is further divided into villages, which are headed by Group Village Heads (GVH) who are responsible for five or more villages.

The 1998 population and housing census indicates that Rumphi had a total population of 128,360, which was about 1.29% of the national population. In 2008, the projected population figure for the District Assembly (DA) planning was 158,852 (Malawi Government 2009).

The situation analysis of the socio-economic status in 2009 revealed a wide range of problems resulting from a high level of poverty in the district. These included inadequate safe water supply, inadequate infrastructure (classrooms, health centres, teachers' houses and pit latrines), transport problems and high HIV/AIDS prevalence (Malawi Government 2009). The district is also characterized by lower income levels at household level. According to the 2011 Welfare Monitoring Survey conducted in Rumphi, it shows that the income derived from businesses was at 42.7%, income from paid job was at 33.7%, remittances were at 49.6% and income from sale of household assets was at 32.6% (Malawi Government 2012b). Although this is the case, the proportion of literacy males and females in Rumphi is higher when compared to the proportion at national level. The 2011 Welfare Monitoring Survey indicates that the proportion of literate males in the district is 92.8% while for females is 85.2% which is higher than the proportion of males at 83% and females at 65% at national level (Malawi Government 2012b).

The 2011 Integrated Household Survey indicates that the poverty incidence in the district is at 37.3%, which is lower than the national level at 50.7% (Malawi Government 2012a). Further, apart from Mzuzu city, which has a poverty level of 15.9%, when compared to other districts in the north, Rumphi has a bit lower poverty rates in the region, followed by Nkhata-Bay at 44.7%, Mzimba at 60.9%, Karonga at 61.7% and Chitipa at 75.6%. One of the reasons to explain the disparities is that Rumphi has a fair literacy rate at 81.5% than the other four districts. Apart from Mzuzu city, which has a literacy rate of 93.1%, Nkhata-bay has 75%, Mzimba has 72.8%, Karonga has 74.9% and

Chitipa has 71.9% (ibid). Although the differences are marginal, the survey demonstrates that poverty is more severe among households whose heads have no formal education qualification (Malawi Government 2012a).

Rumphi provides a unique case for an in-depth study of women's empowerment because it is a highly patriarchal society, a situation that has led to massive violations of women's rights. The residents follow patrilineal system of marriage, where by women live with their husbands in the husband's home after they have paid dowry to the parents of the bride. As a result of the practice, women experience land insecurities due to power relations that disadvantage them as land inheritance is through the male lineage. This means that women can only access land through their husbands and sons. Explaining the fate of women in this scenario, Mutangadura (2004: 11) notes that:

Upon divorce, the woman loses rights to cultivate her field and has to return to her own village where she becomes landless too. Upon the death of the husband the woman as long as she is unmarried can use the land that her husband owned, as the sons grow old, she shares her land with the sons and may be squeezed out of the land.

The Case Study

The focus of my study has been ActionAid's implementation of the project entitled: "Invigorating Women's Influence in Land Governance and Economic Development" (IWILGED), which was named Tilitonse project by the members of Coalition of Women Farmers (COWFA)¹. Basing on the theory of change, which builds on the HRBA, as employed by ActionAid, I investigated the implications of operationalizing the approach at the local level particularly focusing on the process of development and its impact on women

¹ COWFA is a movement of grassroots women farmers supported by ActionAid Malawi with a common agenda to promote women empowerment and eradication of poverty through farming. The movement has over 54,000 members across the country (Interview 16/9/13).

empowerment. The project was being implemented in T/As Chikulamayembe and Mwankhunikira and is being funded by Tilitonse; a multi-donor grant, which, includes UK DFID, IrishAid and the Royal Norwegian Embassy. The project's objective was to increase the socio-economic security for landless women or women smallholder farmers through improved access to and control over land and other agricultural support services (ActionAid Malawi 2013b). The implementation process was done in collaboration with Rumphu Women Forum (RWF)². The implementation process started in the month of October, 2012 and the project was in operation for 18 months. During the period when I was conducting the study, the project had been in operation for a year.

At the operational level, a total number of seventy five REFLECT circles³ were formed from selected villages in both T/As Chikulamayembe and Mwankhunikira. Each circle consisted of thirty women who were chosen based on a defined criterion by ActionAid. These were widowed women, divorced women, the elderly women, women who did not have access to land or agricultural services, women subjected to gender based violence, members of COWFA and women who do not have ownership on land. The local chiefs helped in identifying the target groups given their familiarity of socio-economic conditions.

Secondary and Primary sources

This study used both secondary data and primary data. This was done to triangulate and validate the observed data by comparing responses between interviewees and other sources. On the one hand, the secondary sources used

² Rumphu Women Forum is a Community Based Organization and ActionAid Malawi's implementing partners in Tilitonse Project (Interview 26/9/13).

³ REFLECT (Regenerated Freirean Literacy through Empowerment Community Technique) is a methodology widely used in ActionAid to create critical consciousness, analyse gender and power relationship, and thereby stimulate collective action by women. REFLECT has been an effective tool for improving meaningful participation of women in decisions that affect their lives by strengthening their ability to communicate (ActionAid & UK DFID 2012b). REFLECT circles refer to groups of targeted women in the project.

in this study include the following documents: books, journals, articles, web sources, Oxfam publications, Norwegian Church Aid publications, UNDP publications, AAI publications, CHRR publications, on line newspaper, dissertations, Tilitonse project reports and Malawi Government policy documents. I used these written documents to gain more understanding on qualitative research, the HRBA to development, project activities and Malawi's statistical information (Ary 2006).

On the other hand, the primary data sources employed in this study include semi-structured interviews, focus group discussions and observations and these methods are discussed in turn. Firstly, a total of thirty four interviews were conducted with participants in Lilongwe and Rumphi districts. In Lilongwe, seven programme officers of which two belonged to ActionAid Malawi and five from Oxfam Malawi, UNDP, Norwegian Church Aid, the CHRR and MHRC were interviewed.

In Rumphi, the study focused on ten REFLECT circles located in nine Village Development Committees (VDCs) in T/As Chikulamayembe and Mwankhunikira, five of which were located within Rumphi Township and the other five were outside the Township. I conducted interviews with twenty eight participants namely: the ActionAid senior staff; four Group Village Heads, two Rumphi Women Forum officers, and ten REFLECT circle facilitators⁴ and ten right-holders (who were the targeted women in the project) of the same project circles. The interviews took place in offices and in classrooms for officers and right-holders respectively, and they lasted between forty minutes and sixty minutes.

⁴ REFLECT circle facilitators were permanent members of the community who were identified by the local chiefs as volunteers and were trained on women's land rights (patriarchy, gender, identification and analysis of issues, how to facilitate action planning about both customary and legal laws) for a week to support women to analyse issues in REFLECT circles (Interview 26/9/13).

This study used semi-structured interviews to give the participants chance to use their own words in discussing how they understand an HRBA to development, how it is implemented in development projects, its impact and the challenges associated with its operationalization at the local level. The interviews helped me to gather data on participants' opinions, beliefs and feelings in their own words on the HRBA. Interviews provided a number of advantages for this research. They supplied large volumes of in-depth data quickly and provided insight on participants' perspectives, their meaning of events, information about sites, and information about unanticipated issues. Interviews also allowed immediate follow up of and clarification of participants' responses (Ary 2006).

In order to ensure confidentiality of the participating REFLECT circles and GVH's the two categories of circles (within Rumphi Township and outside Rumphi Township) and the participating chiefs were assigned letters to denote their names. Four Group Village Heads (GVH) representing four VDCs were interviewed and are represented by letters A1, A2, A3 and A4. The participating project circles are represented as follows:

Table 1: REFLECT Circle Categories

CATEGORY OF PROJECT CIRCLE	LETTER	TOTAL CIRCLES	TOTAL PARTICIPANTS
Circles Within Rumphi Township	B1 B2 B3 B4 B5	5	10
Circles Outside Rumphi Township	C1 C2 C3 C4 C5	5	10

Secondly, the study also used focus group discussions, which are like group interviews that focus on a particular issue and I acted as a facilitator of the

discussions. In this study, three focus group discussions were conducted with eighteen right-holders of three project circle categories: C1, B2 and B3. Each Circle had a total of six right-holders and in total eighteen participants took part. The study employed focus group discussions to bring several different perspectives of right-holders on the HRBA to development into contact. This was done to obtain detailed information about personal and group feelings, perceptions and opinions on the HRBA (Ary 2006).

Finally, I observed the monitoring and evaluation meetings of the project and the operation of the REFLECT circles in order to study the behaviour of participants in their natural setting (Ary 2006). I attended four monitoring and evaluation meetings of the project by ActionAid staff, their implementing partners Rumphi Women Forum together with the right-holders of REFLECT circle categories B4, B5, C1 and C3. In addition, I also observed the lessons of right-holders in four REFLECT circle categories B1, B2, C2 and C4.

Sampling Technique

As it was not possible to study all the REFLECT circles in Rumphi district because of feasibility and costs constraints, a representative sample for observation and analysis from the population was chosen. Sampling is a statistical process of selecting a subset called a “sample” of a population of interest for purposes of making observations and statistical inferences about that population (Bhattacharjee 2012: 65). In this study, purposive sampling was used to get the respondents from Tilitonse project into the sample. In purposive sampling, a sample of participants that can provide the relevant information about a topic or setting is selected (Cohen 2000).

The target participants were the AAM senior staff, four Group Village Heads, two Rumphi Women Forum officers, ten project facilitators and ten right-holders of Tilitonse project. These participants were key members of the

project who were knowledgeable on the topic. Specifically, I targeted the ActionAid Malawi senior staff who manages local rights programmes in Rumphi district because of his reasonable experience in managing the HRBA development projects; the group village heads who are active in community development activities and were also committee members of the REFLECT circles; the project facilitators who are volunteers in community development, are permanent members of their communities and were team-leaders in the Tilitonse project; and the right-holders who were active in the project activities since its inception and have lived in their communities for many years.

Purposive sampling was used in this study to exploit competing views and fresh perspectives as fully as possible. It was relevant because it provided maximum insight and understanding of the HRBA to development (Ary 2006). This enabled that the data collected derived from different perspectives depending on experiences of participants and helped in discovering how project activities were being done.

There are several variations on purposive sampling and this study used convenient sampling to select the REFLECT circles. Convenient sampling is a technique in which a sample is drawn from that part of a population that is “close to hand, readily available, or convenient” (Bhattacharjee 2012: 69). In this study, ten circles that were within and outside Rumphi Township were selected because they were in proximity to me. This was done to minimise financial costs, time and risks in order to have an in-depth study of the problem.

Data analysis technique

In this thesis, data was in four formats and included data from recorded interviews, recorded discussions and notes from observations of project

activities. Secondary data was also used to justify primary data. All interviews were recorded apart from the one conducted with the MHRC officer, which was done by taking notes. The recorded data was later translated into field notes and later into fuller notes soon after every field event. This raw data was later reduced and reconstructed through the process called open coding system. This process involved reading through the transcribed scripts in order to get meaning of what the participants were saying. I went through all the data responses and identified similar ideas which were later coded. After coding the data, similar codes were grouped together into categories from which various themes emerged (Yin 2011). The themes that emerged from the gathered data formed the discussion in the analysis section.

1.3.3 Challenges in the field

Practical Challenges

Cohen writes about the practical reasons for being denied access to the sample. He notes that ensuring that the access gained to the sample is feasible is a main challenge. For instance, sometimes the participants may not have time to spend with the researcher (Cohen 2000). During my fieldwork, I met similar problems when I was unsuccessful to conduct interviews with some participants in the sample. In Lilongwe, I planned to conduct interviews with senior officers of six international NGOs namely: CARE, AAM, Oxfam, UNICEF, UNDP and NCA; and three human rights institutions namely: the CHRR, MHRRC and MHRC. However, out of these nine organisations, I managed to gain access to only six organizations namely: AAM, Oxfam, UNDP, Norwegian Church Aid, MHRC and CHRR.

I was unable to conduct interviews with senior officers of UNICEF, Oxfam, CHRR and MHRC because I was informed that they were out of office during that period, although I could not independently verify whether this really was

the case. As such, at Oxfam, NCA, CHRR and MHRC, I was delegated to program officers who were familiar with the topic in relation to the programmes that they managed. As for CARE, access was denied because at that time they were not prioritising the HRBA in development programs.

In Rumphi, the major challenge was that it has poor road infrastructure, which made it difficult to reach some areas where the REFLECT circles were located as no suitable means of transport could be located to reach the areas. This meant that only circles that were in proximity to me were chosen. In this area, I managed to conduct interviews with all participants in the sample. However, in some cases it was difficult to know if some respondents were telling the truth as evidenced in their contradictory statements (Neuman 2011). Such information had to be cross-checked with other respondents in order to have a detailed account.

Ethical Issues

This study was in line with the required ethical codes for social research. When collecting data in the field, I identified myself as a student to the respondent to avoid giving false impressions of my identity (Cohen 2000). However, this proved somewhat difficult in certain areas where I had previously visited with ActionAid staff during the monitoring and evaluation exercise. Even though I was introduced as a student, there was a tendency to mistake me as ActionAid staff when I later visited on my own. This was resolved by highlighting my identity as a student and explaining my research to them and they were convinced as they were more willing to discuss most of the issues with me.

Further, before commencing any interview session with them, I sought free and informed consent from the participants. This was done to allow the respondents to participate freely and not forced in the study. The data

collected in this study was also anonymous by not relating to names or other forms of identification of the participants. The information collected was not discussed with anyone in order to uphold the right to privacy of the participants (Glesne 2006). Moreover, I made sure that any field notes, tapes or transcripts are stored in a safe place and that information contained in them is used only for the purposes of the research (Scheyvens 2003).

In the case of secondary data I abstained from using other peoples work without appropriate acknowledgement (Cohen 2000). As such, I therefore cited all the sources of information used in the process of writing.

Finally, I also took into consideration principles regarding researching the marginalised. The research was based on respect of knowledge, skills and experience of the participants in the study. I also undertook interviews in the manner that minimizes discomfort felt by participants (Scheyvens 2003). For instance, some right-holders were not comfortable to discuss their everyday challenges. In that case, I respected them and did not force them to discuss such issues. Moreover, all interviews took place in their offices or conference rooms without the interference of third parties.

1.3.4 Limitations of the thesis

This study has its limitation in that it is an in-depth study of ActionAid's Tilitonse project. It has limited its scope on the operationalization of the HRBA and its impact on women's empowerment. Since, the study focused on a single case, it has not exhausted the debate on human rights and the HRBA in Malawi. Because the inferences of this study were heavily contextualised, it may be difficult to generalize inferences from this project to other contexts (Bhattacharjee 2012). Nonetheless, I believe that this study provides an intensive description of the operationalization of the HRBA by ActionAid Malawi. This information is relevant in the field of development as it provides insights into other similar cases.

Another limitation is the lack of information from the Government officials as the main duty-bearers. Their views on the HRBA would have been beneficial to give a whole-some account.

Finally, it may be too early to examine the impacts of the HRBA on women's empowerment in Tilitonse Project since during the period when I collected data, the project had only been operational for one year. As such, the findings of the thesis are based on what transpired during that period.

1.4 Structure of the thesis

This thesis is divided into four chapters and its structure is as follows: The first chapter introduced the central research inquiry. It highlighted the purpose of the study, the main research question and the background of the study. It went further and discussed the research methodology. In this section, the qualitative and case study approach, the main data collection methods used in this thesis, the main challenges of fieldwork were discussed.

The second chapter presents the theoretical framework and focuses on the HRBA to development. It discusses the evolution of an HRBA, the implications of an HRBA programming and a critique of an HRBA to development. The chapter also presents the different HRBA perspectives by the targeted international organizations namely: UNDP, Oxfam, NCA and AAI. This is followed by a brief presentation on the impact of the HRBA and ends with the operationalization of the HRBA in this thesis.

The third chapter is the empirical analysis and presents the findings, discussions and analysis of the thesis. The first section begins by giving an overview of Malawi and the case study. The second section addresses the first set of questions on the implementation challenges while the second section

addresses the second set of questions on the actual impact of an HRBA on women's empowerment.

Chapter four is the conclusion and gives a summary of the major issues discussed. It highlights the major findings relating to the research questions and suggests a focus for future research.

2. Theoretical Perspective

This chapter discusses the background and theoretical foundations of the HRBA. The first section begins by giving a brief account of the origin of the HRBA by tracing how human rights and development were linked. This is followed by the meaning of an HRBA, an explanation of the main principles of the HRBA, the added-value of the HRBA and its critique. The second section focuses on the operationalization of an HRBA by international NGOs. It describes the different perspectives of an HRBA as operationalized by UNDP, Oxfam, NCA and AAI. The section ends with a presentation of their similarities and differences. The third section presents the impact of HRBA. It presents the cases on actual impact of HRBA on development initiatives. The last section summarises how the HRBA will be operationalized in this thesis.

2.1 Human Rights and Development

2.1.1 The evolution of an HRBA

Development and human rights were considered as two separate spheres with diverging strategies and objectives until the late 1980's. The implication was that while human rights groups emphasised on building an international community of trained investigators and campaigners to pressure for change, development organizations prioritised lobbying for financial support for community development projects and mobilizing advocacy movements and targeted aid donors (Nelson 2008). This was despite the fact that the UN had resolved that all human rights are indivisible. Theoretically, socio-economic development was already regarded as part of the human rights agenda in the 1948 UDHR, which articulates economic, social, cultural, civil and political rights in a single document. But the reality has been that civil and political rights have dominated the international agenda while economic, social and

cultural rights have often been neglected. Although there have been debates on the equality of human rights, particularly by developing countries, there has been slower growth and confirmation of economic, social and cultural rights, which has led to uneven progress in their application and consequences for development efforts (Clarke 2011). The recognition of these rights as equally important was undermined by the ideological divisions between the western liberal democracies and the East bloc. While the Western bloc defended civil and political rights, the East bloc championed economic, social and cultural rights. This resulted in the separation of UN's development activities from its human rights agenda (Ljungman 2004).

According to Shannon (2012:477), there is no agreement yet on how and why the HRBA arose. "Some point to the 1980's, when critics first voiced rights-based concerns about the International Monetary Fund's (IMF) structural adjustment policies. Others note the impact of the UN 1986 Declaration on the Right to Development, while still others highlight the post-cold war blurring of boundaries between human rights generations". It is assumed that as the tension between the Western and the Eastern bloc lessened, so did the differences between civil and political rights, on the one hand, and economic and social rights, on the other (SDC 2004).

There is a consensus that the HRBA has been strengthened by a wide variety of UN conferences and initiatives in the 1990's. The human development and human rights discourse was recognised as one at the 1993 World Conference on Human Rights, held in Vienna, which declared that development and human rights are mutually dependent (SDC 2004). Since 1993, there was a shift in development thinking as evidenced within the UN normative framework. Filmer-Wilson (2005: 214) reports that:

In 1997, the UN Secretary General acknowledged that human rights are inherent to the promotion of peace, security, economic

prosperity and social equity and called for the integration of human rights into all principal UN activities and programmes.

Given the fertile ground, rights and development were further entrenched in 2000 when the UNDP's Human Development Report focused on human rights and human development. The report presented a persuasive debate for an integrated approach to development based on the principles of international human rights and the policies of human development to improve dignity and wellbeing (Ljungman 2004). Following that, in 2002, the UN in partnership with the Bretton Woods Institutions prepared draft guidelines for a Human Rights Approach to Poverty Reduction (Ibid).

As a result of these developments, the HRBA has been widely adopted by international agencies since the mid-1990s. The early adopters like Oxfam and CARE, committed to it in the late 1990's, while the majority like ActionAid and Save the Children and many major bilateral aid agencies based in Europe joined by 2005/06 (Schmitz 2012). Development NGOs' choice to adopt the HRBA was a result of development aid crisis experienced by both major NGOs and the donors concerned with social welfare outcomes in the 1990's. Nelson (2008: 99) lists four critical issues that capture the dimensions of the crisis: "the continuing growth of inequality and social exclusion in most low-income countries; the desire by many NGOs to challenge prevailing neoliberal economic norms in the field; the deeply compromised independence of NGOs as participants in civil society; and the weakness of accountability by development programs and donors to those they purport to serve".

2.1.2 Definition of HRBA

The OHCHR (2006: 15) defines a HRBA as "a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights". This depicts a departure from traditional approaches to

development, which focused on the provision of services to meet the needs of the poor. On the contrary, the HRBA seeks to promote the human rights of the poor by incorporating the principles of human rights in the whole process of development.

An HRBA approach is a response to the previous traditional development approaches and in particular, the basic needs approach. Whereas a needs-based approach focuses on securing additional resources to particular groups, the HRBA calls for existing resources to be shared more equally (Cornwall 2004). The basic needs approach does not imply the existence of a duty-bearer. As such, no one has a clear cut duty to meet the needs, and rights are vulnerable to on-going violation. Contrary to this, in an HRBA, subjects of rights claim their rights from duty-bearers and thus must be capable of claiming the right. Further, the basic needs can be met through charitable actions. In an HRBA, compassion and solidarity replace charity. Actions based on human rights are based on legal or moral obligations to carry out a duty that will permit a subject to enjoy his or her right. However, such a duty depends on the duty-bearers acceptance of responsibility (Jonsson 2006).

Owing to the fact that there is no consistence as to the application of an HRBA approach to programming processes both at global and local level, the UN came up with The Statement of Common Understanding to act as a guide to development programming by UN agencies. This document aided in aligning efforts of those UN agencies, which had already implemented a rights-based approach for some time. The document's aim was to mainstream human rights throughout the entire UN and its agencies (Schmitz 2012).

Firstly, the Statement of Common Understanding states that “all programmes of development co-operation and technical assistance should further the realisation of human rights as laid down in the UDHR and other international human rights instruments” (OHCHR 2006:35). This means that in the HRBA

to development programming, the aim of all activities is the realisation of human rights and not merely focusing on tangibles.

Secondly, “human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process, including assessment and analysis, programming planning and design including setting of goals, objectives and strategies, implementation, monitoring and evaluation” (OHCHR 2006: 35). Among the human rights principles are universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion and accountability and the rule of law (ibid).

Finally, “development cooperation contributes to the development of capacities of ‘duty-bearers’ to meet their obligations and/or of ‘right-holders’ to claim their rights” (OHCHR 2006: 36). The HRBA, identifies right-holders (and their entitlements) and corresponding duty-bearers (and their obligations), and works towards strengthening the capacities of right-holders to make their claims, and duty-bearers to meet their obligations (OHCHR 2006:36).

The assumption is that the application of the above human rights principles to the development process by NGOs forms the basis of the HRBA. While the principles have at least established a common platform for the UN, they have also been criticised for being vaguely formulated and not really being of much operational use (Piron 2005, Banik 2012). This is because the human rights standards and principles left as such are simply abstract. One of the major weaknesses of the common understanding is that it lacks an elaboration of what these principles would entail in the designing, implementation and monitoring and evaluation of development programs. The usefulness of the

UN common understanding is therefore limited to the extent that it lacks clarification of an HRBA in operational terms.

2.1.3 Implications of a HRBA for Development Programming

Central to the HRBA is that it takes the principles set out in the international human rights treaties and declarations as a point of departure and a reference for development activities. These provide a coherent framework in which to identify development objectives. They also provide the key normative principles and standards to guide the entire development programming process. These principles include: participation, non-discrimination and equality, accountability and the interdependence and indivisibility of rights (Filmer-Wilson 2005). This thesis focuses on non-discrimination and equality, participation, accountability and empowerment.

Non-discrimination and Equality

The HRBA entails the principle of non-discrimination and equality. Unlike, previous development efforts that often neglected the most marginalised populations, the HRBA demands that development programming help to address the underlying causes of discrimination in order to further equality. Specifically, programming may need to direct priority attention towards those suffering discrimination and disadvantage in any given context, especially the poorest of the poor. For instance, those suffering multiple discrimination such as rural women belonging to an ethnic minority must be prioritised (OHCHR 2006).

Participation

When undertaking a HRBA, participation becomes both a means and a goal of development. As opposed to the need-based approach, the HRBA calls for a broad-based participation across communities, civil society, minorities, local

peoples and women at all stages of the development process. Participation requires that people are recognised as key actors in their own development, rather than passive recipients of services (Berman 2008). Development organisations thereby move from being initiators to facilitators of development programmes. Filmer-Wilson (2005: 119) notes the advantages of participation such as “considering local knowledge, exposing local needs and preferences, raising the efficiency of resource allocation and maximising ownership in the development process”. This in turn guarantees greater sustainability of projects as genuine participants are more committed to look after the project once international and donor support has gone (Schmitz 2012).

Accountability

Adopting the HRBA presupposes a shift from the upward accountability of development agencies to their donors to downward accountability to the local communities. The HRBA calls for the development actors to be responsible and be accountable to those whom they serve (Harris-Curtis 2005).

Accountability requires that the government, as the legitimate and main duty bearer takes responsibility on people’s lives and that it is accountable by undertaking transparent processes and hearing people’s views and responding adequately to those views (Ljungman 2004). Although the state is the primary duty-bearer under the human rights law, the HRBA encompasses the accountability of all actors whose actions impact the development process, both state and non-state. In this respect, bilateral and multilateral donors, NGOs and private contractors have a duty to ensure that they respect human rights in their work (Filmer-Wilson 2005).

Empowerment

The HRBA assumes the empowerment of the marginalised groups. Kilby (2011: 32-33) defines empowerment as “related to agency or the expansion of

individuals' choices and actions, primarily in relation to others".

Empowerment can be both a means and an end in the development process. As a means, the empowerment of beneficiaries can result to specific outcomes such as the improved management of community resources like schools to ensure their sustainability. Empowerment can be an end in a development intervention if the purpose of a programme may be the empowerment of a particular group of people who would otherwise remain disempowered; for instance the empowerment of women (Kilby 2011). The second understanding is significant as people's capabilities to demand and use their human rights grows. They are empowered to claim their rights rather than simply wait for policies, legislation or the provision of services (Berman 2008). In short, empowered people are able to take part in development programmes, proclaim their rights and able to demand services from government and other service providers (Kilby 2011).

2.1.4 Added-Value of HRBA

An HRBA is a milestone for most development NGOs, which have been frustrated with the traditional approaches to poverty reduction which yielded minimal achievement. An HRBA provides a number of benefits as compared to traditional approaches as it has far reaching consequences in theory. The HRBA presupposes that poverty is not a result of lack of resources, but as an outcome of discrimination and political decisions of those in authority. It therefore checks tendencies to disregard the poor and most marginalised in development efforts (Schmitz 2012). An HRBA is therefore revolutionary to most societies as it draws attention to discrimination and opportunities for vulnerable and marginalised groups. This can lead to more effective poverty eradication by demonstrating that certain groups are excluded from benefits of development and that it is a violation of human rights.

Crucial to an HRBA and a milestone in development initiatives is that it establishes the existence of claims and corresponding obligations. Filmer-Wilson (2005: 217) observes that:

Development cooperation thus focuses on the relationship between individuals and groups with valid claims (right-holders) and the state and non-state actors with correlative obligations (duty-bearers). It identifies rights holders (and their entitlements) and duty-bearers, and works towards strengthening the capacity of rights-holders to claim and exercise their rights effectively and duty-bearers to fulfil their obligations towards such rights.

In this case, poor people have valid claims which cannot be violated by the respective duty bearers. This inevitably changes the way development NGOs work. For instance, rather than NGOs providing social services they demand that the state meet its obligations to ensure that the people have access to social services.

The HRBA to development aims to strengthen accountability of duty-bearers for human rights. White (2010: 76-77) lists the following ways of accountability: “changes in policies, laws and programmes; more effective enforcement of laws against rights violations; increased allocations of budgets and resources for poor, marginalised and at-risk people at all levels; changes in awareness, attitudes, behaviours, practices, norms and values; improvements in the quality and responsiveness of institutions and services; an economy that enables rights; greater participation of right holders in decision making and claiming their rights and most importantly by promoting equity, inclusion and non-discrimination”.

In the development arena, power relations between recipient governments and donor agencies are highly unequal (Banik 2012). An HRBA approach would mean little if it has no potential to achieve a positive transformation of power relations among development actors (Cornwall and Nyamu-Musembi 2004). The HRBA has the potential to transform relations between international

development agencies, recipient governments, local NGOs and local communities. People are placed at the centre of development processes, and are no longer seen as beneficiaries of development projects with needs, but as active citizens with rights and entitlements. The HRBA therefore demands that the people are the active agents at all stages of development efforts, making the whole process empowering. Hence, the HRBA has the potential to make changes in who “makes decisions, whose voice is heard, what topics are seen as legitimate, peoples sense of self-worth and the confidence of people to speak out” (Chapman 2005: 7).

In order to understand how the HRBA can change power relations amongst development practitioners, power analysis will be central to this thesis. This is because the HRBA is inherently a political approach as it views development issues as rooted in differences of power, income and assets and not purely technical matters that can be resolved outside the political arena (Chapman 2005).

The HRBA transforms the way the goal of development is conceptualised. Unlike the needs-based approaches that emphasised on tangible outcomes, the realisation of human rights becomes the objective of development in the HRBA. In this case, the objective of development goes beyond poverty reduction and makes human rights as a constitutive of this goal (Hamm 2001, Piron 2005). Moreover, development NGOs do not see themselves as working on behalf of beneficiaries but working with the right-holders (Harris-Curtis 2005).

Finally, adopting a HRBA has implications on the relationship between not only NGOs’ staff and the stakeholders but also NGOs’ staff and the state (Harris-Curtis 2005). On the one hand, the HRBA would change the relationship between the NGOs staff and right-holders by giving chance to the right-holders to make decisions concerning their lives and participating fully

in all activities of a project. In this way, the right-holders would be active participants of development. On the other hand, it assumes that the NGOs would take a critical stand against the practices of states by raising awareness and challenging behaviour of states where rights of the vulnerable groups are violated. This would create tension between the two groups.

2.1.5 A Critique of the HRBA

Although the HRBA offers a new dimension in development thinking, it has been criticised for not being of much of operational use. Clarke (2011: 15) argues that “while making a significant contribution to understanding the issues involved, it has not moved beyond rhetoric to conceptual rigour, systematisation of practice, or lesson learning”. The HRBA has varying definitions and no authoritative source (Gauri and Gloppen 2012). Indeed, within as well as across organisations, the HRBA is understood differently and is subjected to different methodologies and practices (Cornwall and Nyamu-Musembi 2004, Harris-Curtis 2005).

Analysts have begun to identify some of the differences across HRBA frames used. Schmitz (2012: 529) notes that “they distinguish between populist (ActionAid), campaign-driven (Oxfam), legalist (Save the Children), and community-focused versions (Plan)”. But even within each of the main development organizations, definitions and degrees of implementation of HRBA vary greatly depending on the knowledge and receptiveness of country staff, the degree of political openness afforded by the government, and the attitudes of local communities towards rights-based mobilization (Schmitz 2012).

While the different understandings of the HRBA can be conceived as its strength, as no one definition can fit all programmes, some analysts have

called for the harmonization of the idea for its practicability. Stressing the intensity of the problem, the NCHR (2007: 3) notes that:

There is a danger that the conception is being watered down and turned into fuzzy principles, where anyone can label their approach as a human rights approach without putting precise meaning to it. This may easily de-legitimise the human rights based approach.

Adding to the complexities is the fact that in some organisations, an HRBA approach and a Right-Based Approach (RBA) are used interchangeably. In some cases, a RBA is used as a short hand for an HRBA but sometimes implies a certain distance from the international human rights system while the HRBA is seen as having limited practical relevance for aid agencies or the lives of the poor or as representing Western values (Piron 2005). However, the two approaches do not mean the same. While the RBA is locally determined and can include any kind of rights, an HRBA approach is based on the international human rights standards acknowledged by most states, which makes it possible for an international agreement on the contents of rights and the corresponding responsibility of the duty-bearers (Banik 2010). It remains unclear whether the NGOs who claim to use an HRBA approach refer to the international human rights system or locally determined rights. Whichever way, the differences in perspectives point to conflicting ideologies in international agencies.

Some analysts have observed that the operationalization of an HRBA is compromised by the absence of institutions of redress when rights of local people have been violated. In view of this, Cornwall and Nyamu-Musembi (2005: 1418) argue that “most poor people have little access to institutions that might enforce their rights”. This is true for Malawi where despite the widespread adoption of the HRBA in development agencies, over 90% of the population does not have access to formal legal structures (Banik 2010). As such, the legal aspect of the HRBA is unrealistic.

Due to its origin outside of development context, the application of the HRBA to development is criticized as western imperialism. Katsui (2008: 10) observes that “in practice, the HRBA tends to be top-down, one-size-fit-all-approach and little attention is paid to the background social, political and historical conditions”. This means that an HRBA approach is not based on local knowledge and national initiatives. Thus, implementers in developing countries have to grapple to operationalize alien concepts at local levels. They have to make sure that they deliver tangible results to international agencies at the same time making sure that the cultural norms and practices are not tampered with.

In addition to the above, is a lack of common concerns between human rights activists and organisations and development practitioners at the country level. For instance, in Malawi human rights and development initiatives are disjointed as there is no consistent commitment among donors and the government to operationalize and apply the HRBA. None of the two sides seems interested in bridging human rights and development (Banik 2010).

Another criticism at operational level is the need for specialists to move the HRBA from theory to practice. While some commentators argue that the HRBA may need staff who may bring in specialists knowledge in human rights such as lawyers and policy analysts (Harris-Curtis 2005) others argue for the need of people who possess cross-disciplinary capacities and perspectives who might bring together multiple aspects of HRBA approaches so that different strategies can be combined (Chapman 2005). Such conflicting views on what is the best option tend to leave development implementers in a dilemma.

2.2 Operationalization of HRBA: Different perspectives

As it has been shown above, the UN Statement of Common Understanding does not provide the operational guidelines as to how NGOs can go about doing their development work. As such, NGOs claiming to use an HRBA are adapting some aspects of the human rights framework to suit their organizations' aspirations. Given the challenge, there is no single definition of an HRBA among development NGOs as each organization is committed to their own HRBA frameworks. This weakens the usefulness of the common understanding. Below is a discussion on how the UNDP, Oxfam International, Norwegian Church Aid (NCA) and ActionAid International (AAI) operationalize an HRBA at local level.

The international NGOs tend to integrate different HRBA principles with varying emphasis put on such principles. But what is clear is that all international NGOs aim at addressing the root causes of poverty. They begin with a power analysis, which views discrimination as a cause of poverty. In this case poverty is a form of injustice and they therefore aim at addressing the root causes of poverty with reference to international human rights standards in order to make it a moral obligation for governments to fulfil these rights. The starting point for these organizations differs because of not only the weaknesses of the common understanding but also the diversity of these organizations as reflected in their commitments. The discussion ends with a brief summary on the similarities and differences of these perspectives.

2.2.1 UNDP

The UNDP HRBA programming is based on the UN Statement of Common Understanding on HRBA, which offers three implications of HRBA programming. Firstly, the ultimate objective of development must be the

realization of human rights. Secondly, the process of development must be guided by human rights principles and standards at all stages of development programming. These principles include universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion and accountability and the rule of law. Thirdly, the focus of strategies is capacity development of right-holders to claim their rights, and duty-bearers to fulfil their obligations (OHCHR 2006).

Even though the UNDP is notable for its role in clarifying the concept of the HRBA, it has not translated it into a practical tool for HRBA programming to be applied to its development work. Reports indicate that the UNDP has done less to integrate a rights focus into its programmes on poverty eradication and sustainable human development (Cornwall and Nyamu-Musembi 2005). At country level, the UNDP has teamed up with the office of the UN High Commissioner for Human Rights in order to include rights into its development work. Cornwall and Nyamu-Musembi (2005: 1425) report that the strategies they have adopted include “building the institutional capacity of national governments by supporting the creation of human rights commissions; partnering with NGOs involved in advocacy and human rights monitoring; equipping UNDP staff through training and production of materials; setting up a forum (HURITALK) to enable its staff to dialogue with each other and with other UN and bilateral agencies, NGOs and research institutions on human rights issues”.

The UNDP's work on rights has emphasized governance institutions such as parliamentary support, judicial reform, civil service reform, media support, and anti-corruption (Cornwall and Nyamu-Musembi 2005). For instance, in Malawi, the UNDP previously targeted formal duty-bearers through financial allocations to institutions such as the MHRC, Parliament and the Ombudsman.

This led to a demand failure because the right-holders have not been supported (Banik 2010). In an endeavour to correct this, the UNDP Malawi has also worked to empower citizens to demand services and government accountability at decentralised levels. To this effect, the UNDP has supported the training of community-based educators to educate citizens on fair trade, labour, and consumer rights in order to improve government accountability (UNDP Malawi 2012).

2.2.2 Oxfam International

Oxfam International views development as power and its progressive redistribution from the rich to the poor. This understanding is broad as it touches on the political and economic structures of the society. Oxfam as a part of the global movement for change seeks to create tangible solutions to the injustice of poverty by empowering people. In addressing poverty, the starting point for Oxfam is power analysis. In its analysis, it tries to understand how power is distributed between the different actors in the development scene, and how that affects the battle for change (Oxfam International 2013).

Oxfam's HRBA is outlined in a strategic plan entitled 'The Power of the People Against Poverty, 2013-2019'. This new strategy differs from the previous ones as it aims to put people at the centre of development strategy in order to promote the marginalised populations to participate in the decision making affecting their lives. Oxfam's rights framework consists of five categories of rights to which Oxfam is committed and these include: the right to life and security, the right to sustainable livelihood, the right to essential services, the right to be heard and the right to an identity. These are grounded in Oxfam's commitment to the UDHR and the associated Treaties and Covenants (Oxfam International 2013). Based on these categories, individual Oxfam affiliates choose areas of focus for their work. For instance, in 2013, Oxfam Malawi under the humanitarian programme focused on the right to

food, right to life with dignity and right to assistance (Interview 6/9/13). In countries where it operates, Oxfam brings about policy and practice changes as a starting point. These policy and practice changes are formulated as strategic change objectives and are linked to five aims that are framed in the language of rights as demonstrated in Table 2 below.

Table 2: Strategic Change objectives and Basic Rights

Basic Rights	Strategic Change Objectives	International Instruments
1. Right to a Sustainable Livelihood	1.1 Food and Income Security 1.2 Employment	- International Covenant on Economic, Social and Cultural Rights -International Labour Organization Standards -Intellectual Property
2. Right to Health and Education	2.1 Health 2.2 Education	-International Covenant on Economic and Social and Cultural Rights
3. Right to Life and Security	3.1 Saving and Protecting Lives 3.2 Conflict Resolution	-Rights under International Humanitarian Law (Geneva Convention)
4. Right to be Heard	4. right to be heard	-International Covenant on Civil and Political Rights
5. Right to Identity	5.1 Gender and Equity 5.2 Overcoming Discrimination	-Women's Rights -Rights of Special Groups

Source: Harris-Curtis (2005: 14)

Centre to Oxfam's work is a theory of change that posits that the interaction between active citizens and accountable states is a requirement to achieve human development. Oxfam mainly focuses on the first of these, building the organizational capacity of grassroots organizations, with particular focus on women's leadership and beliefs about gender roles. But it also engages directly with the state by assisting in capacity building of local government officials. Its main role is bridging the gap between grassroots organizations and state bodies including private companies so that they can discuss challenges and solutions (Oxfam International 2013).

In operational terms Oxfam's HRBA involves global-level advocacy and grant making to local partner organisations. According to Nelson (2008: 107) its HRBA means that "programme goals should focus on people and their rights; work with other agencies toward shared right-based goals; concentrate on the worst rights violations and most vulnerable; strengthen accountability of duty bearers for human rights; support peoples efforts to demand their rights; fight discrimination and promote equality and inclusion of all people in development policy and initiatives".

2.2.3 Norwegian Church Aid (NCA)

In order to address the root causes of poverty and injustice, NCA uses three rights-based working methods namely: long-term development aid, advocacy and emergency preparedness and response. NCA uses the HRBA as a main strategy for social change in which right-holders must be involved in recognising main issues for change. The NCA works with local and national partners; with local partners as their main link to right-holders (NCA 2011). The main principles guiding NCA's HRBA strategies include: "addressing structural and root causes of poverty and inequity; equality and discrimination; empowerment; participation; accountability; and community and interrelatedness of human beings" (NCA 2011: 30).

At the centre of NCA's HRBA is effective accountable governance and active citizens. This means that the state as a primary duty-bearer should secure adequate capacity to fulfil its duties and establish frameworks to up-hold human rights. The NCA's strategy is to work with religious actors such as churches and faith-based organizations in order to influence the government to be accountable to their people (Ibid).

The key human rights that are promoted by NCA aim at both enabling active citizenship in order to achieve an accountable government and protecting the basic needs. In order to support active citizenship for accountable and efficient government, the NCA focuses on the right to participate in the government of one's own country, freedom of association with others, and freedom of expression. While the main human rights protecting basic needs in NCA include: the right to an adequate standard of living, including adequate food, clothing and housing, the right to the highest attainable standard of physical and mental health, the right to water and right to freedom from violence (NCA 2011).

The HRBA programming in NCA begins with a detailed context-specific power analysis to disclose the structural and root causes of poverty and injustice. According to NCA, the investigation seeks to find out which rights issues are involved; the main right-holders; the primary and secondary duty-bearers; who might be their allies; who might oppose the change and how best can NCA contribute to social change and fulfilment of rights (NCA 2011). Context analysis must also include: women's rights and gender equality, sustainability, conflict sensitivity and accountability and transparency measures. The designing, monitoring and evaluation process should be guided by the international human rights standards and conventions.

During the process of designing HRBA programmes, NCA includes members of staff with complementary skills in HRBA, advocacy, long-term aid,

emergency preparedness and response. NCA HRBA is country specific as each country is guided by the Country Programme Plan which gives further direction on how to redesign HRBA programmes (NCA 2011). For example, in Malawi, the HRBA entails a two-pronged strategy; regarding the poor and vulnerable groups as right-holders so that they can claim their rights and identifying key duty bearers and strategies to engage with them so that they can transform institutional barriers to enable the poor to claim their rights (NCA 2007).

2.2.4 Action Aid International (AAI)

Throughout AAI, the operationalization of the HRBAs has largely depended on the local context and the senior management team in each country. As such, there is no single definition as it is interpreted differently (Chapman 2005). However, AAI's HRBA is shaped by its broad understanding of poverty which in turn shapes their response to poverty. It believes that poverty is a violation of human rights arising from unequal power relations from household to the global levels. The principles that distinguish ActionAid's HRBA and guide its programming include the following: putting the active agency of people living in poverty first and building their awareness; analysing and confronting unequal and unjust power; advancing women's rights; building partnership; being accountable and transparent; monitoring, evaluating and evidencing impact and promoting learning; linking work across levels to ensure we address structural change; and being solution-oriented and promoting credible and sustainable alternatives.

In order to address poverty, ActionAid (2012a: 22) came up with the theory of change which states that:

We believe that an end to poverty and injustice can be achieved through purposeful individual and collective action, led by the active agency of people living in poverty and supported by

solidarity, credible rights-based alternatives and campaigns that address the structural causes and consequences of poverty.

In line with this, ActionAid's HRBA focuses on empowerment, campaigning and solidarity. Firstly, according to ActionAid (2012a: 24) "empowerment is when people living in poverty have active agency". It is a process by which people's competences to claim and use their human rights is enhanced.

Empowerment may include giving people living in poverty the power to building critical awareness of their situation, organising and mobilising for individual and collective action, developing communications skills platforms and responding to vulnerability and need through rights-based approaches to service delivery (ActionAid 2012a).

Secondly, solidarity involves bringing together people and organizations compassionate about the struggles of the poor people to promote a movement for change, with poor people leading the whole process (ActionAid 2012a). In this endeavour, strategies include local organising, alliance and network building. At the moment, AAI work functions in conjunction with national or global networks and coalitions (Chapman 2005). For instance, solidarity "involves sponsoring children donating money, linking different struggles, taking action through demonstrations or letter writing, using communications to raise the visibility of an issue and building broader alliances" (ActionAid 2012a: 24).

Thirdly, a core to the theory of change includes the aspect of campaigning to address the structural causes of poverty. Campaigning is an important element as it targets the causes of poverty that lie beyond the immediate location. This includes mobilizing people to shift national or international policies.

Campaigning joins people's power around a simple and powerful demand, to achieve a political or social transformation to the structural causes of poverty. It may include building a research or evidence base, advocacy, lobbying, mass

mobilisation and mass communications to engage key people and motivate others to act (ActionAid 2012a).

Another key strategy to achieve this is to link community-based social movements and connecting them with other regional, national, and international social movements and networks. This integration can increase the power of community based social movements; broaden their understanding of poverty and the denial of rights; increase their capacity to network and build powerful alliances; and provide opportunities for them to learn the experience of others (Chapman 2005).

ActionAid's work is evaluated in terms of achievements in rights. For instance, the extent to which previously marginalized groups have become aware of their rights, are able to actively take part in around claiming them and are able to impact positively on public accountability (Cornwall and Nyamu-Musembi 2005).

2.2.5 Similarities and Differences

The above HRBA frameworks are similar in that they are grounded in the international human rights principles and standards and major human rights instruments. This implies that when the NGOs are designing, implementing, monitoring and evaluating development initiatives they apply some of these human rights standards. The common principles that are emphasised include: Equality, participation, accountability and empowerment. However, the degree to which these principles are embraced varies significantly.

At operational level, the UNDP puts much emphasis on the principle of accountability by strengthening governance institutions while the other organizations such as AAI, Oxfam and NCA emphasise the principles of equality and the participation. This means that most of the UNDP's work focuses building the capacity of duty-bearers such as the Government officials

in different Ministries to inform them about their roles and responsibilities in fulfilling the human rights of right-holders. The other organizations emphasize on the inclusion of the poor people in decision making and educating them about their human rights and how they can demand those rights from their respective duty-bearers. The result has been that a whole-some approach of the HRBA has never been realised. While most of the UNDP's programmes had resulted to demand failure on the side of the right-holders, most AAI, Oxfam's programmes had resulted to supply failure either because the duty-bearers do not comprehend the HRBA or they do not have the resources to meet the demands of rights-holders.

The common strategies in most organizations relate to the change in how they do their work. An HRBA demands that the whole process of development is empowering to the beneficiaries of the development initiatives. The starting point in most programmes implemented by these NGOs has been forming partnership with local partner organizations. This is because they want to achieve the meaningful participation of people affected by development programmes. The assumption is that the people themselves should be initiators and decision makers in the development process while the NGO staff should simply be facilitators. This is done to achieve the empowerment of grassroots which in turn fosters local ownership of development initiatives. But this has been challenging because most of the times the beneficiaries of the projects have not been involved in the initial stages of project designing. The involvement of the beneficiaries starts while the crucial aspects of the project have already been decided upon by the international NGOs.

Finally, in all HRBA perspectives the goal of development is the realization of human rights, with each organization undertaking different strategies to realise such rights. For instance, in NCA, the realisation of human rights in some programmes has happened together with direct service delivery while for AAI

and Oxfam the emphasis has been rights education to the beneficiaries so that they can demand their rights from their respective duty-bearers.

2.3 HRBA Impact

The literature on the HRBA shows that there are many challenges that an HRBA to development poses in terms of impact assessment. This is because the HRBA requires less tangible and more difficult to measure outcome categories such as ability of right-holders to hold the government accountable as opposed to traditional objectives such as building infrastructure (Schmitz 2012). In line with this, the NCHR (2011: 22) indicates that there is a “need for new assessment tools that measure how development programmes are achieving progress and impact in terms of human rights”. Where the indicators have been developed like in the UNDP, the challenge is finding relevant information which requires both time and money and hence a consideration from donors. But, the HRBA mostly takes a long time without immediate results, which is in conflict with most 1-3 year frames grants from donors (NCHR 2011).

Although this is the case, some success stories on the impact of the HRBA to development have been documented. While it will take many years to transform the root causes of poverty, in areas where the NGOs are operating results are being realized. Across the world, organized groups are able to claim their rights and related services and resources from their respective duty-bearers. For instance, in Tanzania, ActionAid’s work in the Mtwara Region, the Liwale Farmers’ Association in the Lindi region, the Clove Rehabilitation Coalition in Zanzibar, were influential in obtaining better prices for local farmers (Chapman 2005). On a similar note, through the HRBA PACE project in Malawi, there was social redress for girls abused by teachers and peers and poor parents in school communities felt that they had been able to influence

teachers and officials to be part of planning for school improvements (Crawford 2007). Moreover, another report in Malawi, which is based on the Democracy Consolidation Programme (DCP) indicates that a number of communities are able to hold the government accountable in the delivery of public services and the transformation of communities from being passive into being proactive in dealing with their daily life challenges (Patel 2011). At country level, UNFPA in Ecuador indicates that User Committees voiced out and discussed with authorities issues of discrimination in health services on the basis of gender and ethnicity (Clarke 2011).

In addition to this, the HRBA has led to the inclusion of the marginalized groups in their social, political and economic life which have been neglected for a long time in the development agenda. In Kenya, one HRBA project with German development cooperation support, notes that the approach promoted a pro-poor orientation in the sector as utilities extended services to areas of poor long ignored by the formal service provider (Clarke 2011). In Malawi, the HRBA projects opened up spaces for meaningful inclusion of marginalised people (Crawford 2007). Chapman (2005: 22) observes that AAI has expanded its efforts to include marginalized groups and these have included “scavengers and untouchables in India, indigenous peoples in Guatemala, and people living with HIV/AIDS in Nepal and Kenya”. In Burundi such efforts contributed to the 2003 inclusion of the marginalized Batwa community in the Bashingantahe, a traditional system of local governance. In Vietnam AAI programme commenced working with unregistered migrant women, and in Haiti, India and China work began with economic migrants (Chapman 2005). The UNDP case study in Bosnia and Herzegovina also notes the inclusion of the needs of the more vulnerable and marginalized groups in the assessment, and planning and implementation processes (Clarke 2011).

Finally, the HRBA is notable for its role in filling the knowledge gap on crucial developmental issues among the vulnerable groups. For instance, a UNDP case study in Bosnia and Herzegovina indicates raising awareness among the marginalized groups as one of its impact (Clarke 2011). In Malawi, through the PACE project, there was greater awareness of how to access official forms of redress through courts (Crawford 2007).

2.4 Operationalization of HRBA in this Study

This study investigates the operationalization of an HRBA at local level by international NGOs and its impact on women's empowerment as applied in Malawian context. In this respect, I will use the case of ActionAid Malawi's intervention on women's rights in Tilitonse project, which was implemented in Rumphi district. In this section, I discuss how I will operationalize the HRBA in this study.

Based on the principles of the HRBA, I will address the first set of questions on implementation challenges. To achieve this, I will examine to what extent the human rights principles of equality, participation, accountability and empowerment were operationalized by ActionAid (AAM) in Tilitonse project. Since the HRBA assumes a bottom-up approach, I will investigate whether and to what extent this was achieved. In this endeavour, I will analyse the extent to which the participation of the right-holders was encouraged and achieved. Moreover, I will also examine the extent to which AAM and RWF achieved the down-ward accountability to the right-holders by analysing the degree to which the right-holders were empowered to hold ActionAid and RWF accountable.

The second set of questions relate to the impact of HRBA in relation to women's empowerment. Here, I will focus on a number of ways in which the right-holders have benefited from the project activities. To this effect, I will

investigate the extent to which the participation of right-holders in the project activities resulted to their empowerment. I will also examine the extent to which the right-holders were receiving something tangible. I will also discuss the meaning of impact from the right-holders perspective.

3. Empirical analysis

This chapter comprises of four sections and discusses and analyses the empirical findings of fieldwork. The first section provides a background of Malawi by discussing the country's political and social context, the background of the Tilitonse project and ActionAid's HRBA toolkit as used in Tilitonse project. The second section addresses the first set of questions on the implementation challenges. It presents the findings on how AAM applied the HRBA principles in its implementation of the Tilitonse project. It achieves this by analysing the extent to which the principles of inclusiveness, participation, accountability and empowerment were applied in the whole process of the development initiative. The third section addresses the second set of questions on impact of the HRBA in relation to women's empowerment. This will be followed by a summary at the end of the chapter.

3.1 Malawi in Context

3.1.1 The Social and Political Context

Malawi has an area of 118, 484 square km of which 94,276 square km are land (Malawi Government 2012a). It is one of the world's poorest countries and was ranked 170 out of 186 countries on the 2012 UNDP Human Development Index (UNDP 2012). Its population is estimated to be above 15 million, with a poverty headcount of 50.7% (The World Bank 2013), which indicates that almost half of the population is poor. Malawi's rural population accounts for 85% and are involved in subsistence farming or work in large plantations. According to the Malawi MDG Report, approximately 40% of Malawians live below the national poverty line, and 22% are considered ultra-poor

households⁵ (UN Malawi 2013). Poverty in the country has a distinct gender dimension in that the incident of poverty and ultra-poverty appears to be higher in female-headed households with the proportion of poor and ultra-poor as 58% and 27%, respectively, in female-headed households and 51% and 21% for male-headed households (FAO 2011). The common factors that push households further into poverty are droughts or floods, increases in the price of food and health related shocks such as illness, injury or death of a household member and HIV/AIDS (NORAD 2010).

The gender gap in the country is also the highest as women's involvement in development is marginal. Even though the majority of the rural subsistence farmers are women, they have poor rights in land and property ownership. Data from the FAO gender and land rights database show that only 32% of individual holders of agriculture land in the country are women. Female-headed households and female operators had less land than their male counterparts with nearly half of female-headed households, compared to one-quarter of male-headed households, who have holdings of less than 0.5 hectares (FAO 2011). The results of the 2011 Welfare Monitoring Survey show that male literacy rate was estimated at 83%, which is higher than female literacy rate at 65% (Malawi Government 2012b). Awareness of human rights is higher amongst men at 71% than women at 50% (UNOPS 2007). There are also deep gender disparities in participation in politics and decision making positions. For instance, in 2009, there were only six Cabinet Ministers representing 27% of the total number and there were 42 female parliamentarians representing 27% of the total number (UNOPS 2007).

Despite the above, the Government of Malawi is formally committed to various international covenants and treaties in an endeavour to end poverty

⁵ According to the Integrated Household Survey, the population that has a total consumption below \$91.5 is deemed poor and the population with total consumption less than \$56.7 is considered ultra-poor (Malawi Government 2012a).

and discrimination of vulnerable groups. For example, after Malawi became a democracy in 1993 it ratified both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) on 22nd December, 1993 (MHRC 2012).

Following this, it had its first democratic elections in 1994 and the Constitution was drafted and put into force in the same year (ICEIDA 2012). Following the 1994 Constitution, a number of institutions to safe guard the fundamental human rights were established. These include the Office of the Ombudsman, the Malawi Law Commission, the Anti-Corruption Bureau, the National Compensation Tribunal and local NGOs that promote and protect human rights (CHRR 2012).

Moreover, the Government of Malawi realised long time ago that the promotion of gender equality is key to poverty eradication. To this effect, the government is a signatory to a number of international and regional instruments that promote gender equality namely: the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the Vienna Declaration on Human Rights and Rights of Women, the Millennium Development Goals (particularly goal 3, which calls for women equality and women empowerment) and the SADC Gender Protocol (NORAD 2010).

At the national level, the Constitution of Malawi has provisions that safeguard the rights of women. Chapter IV of the Constitution of Malawi is a provision of human rights. Section 20 provides a right to equality which protects women from discrimination and abuse of any kind, section 24 provides women's rights to full and equal protection by the law, to enter into contracts, and to acquire and maintain rights in property, and section 30 is the right to development, which guarantees all people and in particular women the enjoyment of economic, social, cultural and political rights (Constitution of Malawi 2006). Moreover, the Malawi Growth and Development Strategy II

(MGDS II), aspires to promote human rights and reduce gender inequalities and enhance the participation of all gender groups in socio-economic development (Malawi Government 2011).

At the moment, the MGDS II is the central strategy used in the country, which covers a period of five years from 2011 to 2016. Its objective is “to continue reducing poverty through sustainable economic growth and infrastructure development” (Malawi Government 2011:5). The six thematic areas of the MGDS include: Sustainable Economic Development; Social Development; Social Support and Disaster Risk Management; Infrastructure Development; Improved Governance and Cross Cutting Issues. Its implementation will involve all stakeholders, including the three branches of Government: the executive, Parliament, and Judiciary and Civil Society and Faith Based Organizations (FBOs), private sector and the general public (Malawi Government 2011).

However, there is a huge gap between what the Government is mandated to do and what is happening on the ground. The adherence to the international treaties meant that Malawi will take strides in the promotion of human rights and the respect of the rule of law. On the contrary, the Government of Malawi has not done much to domesticate social and economic rights as most of these rights are not constitutional and therefore not enforceable (Interview 13/9/13). Moreover, the Government has shown no commitment to operationalize and apply the HRBA. For example, the MGDS does not put much emphasis on the economic, social and cultural rights (Banik 2010). As a consequence, the violation of the right to development and exploitation of vulnerable groups remains a challenge.

The Government’s aspirations in its policy documents have been challenged by inadequate financial resources and a lack of capacity among the Government officials. Analysts have also argued that Malawi’s democracy is

challenged by a full transparency and accountability, which are further reinforced by the country's political culture characterised by "patronage, clientalism, opportunism, corruption and centralisation tendency of the executive" (CHRR 2012b: 6). This shows that it is committed in theory to promote human rights and eradicate poverty as its commitment to international treaties has done little on the ground to change the situation.

3.1.2 The Local Governance Structure

In order to attain national development, the Government of Malawi endeavours to strengthen democratic governance. According to the MGDS, this entails the creation of a democratic environment and institutions at district and community levels, promoting accountability, encouraging local participation in decision making and mobilizing masses for socio-economic development in their respective areas (Malawi Government 2011). The District Assemblies (hereafter DA), were instated as administrative structures that would lead to a responsive democracy. The DA is headed by the District Commissioner (DC) who is responsible for the formal administration of the districts. The basic planning structures include the District Executive Committee (DEC) at the district level, the Area Development Committee (ADC) and the Area Executive Committee (AEC) at the area level, and the Village Development Committee (VDC) at community level (Patel 2011).

Transferring the implementation of projects to the local government is believed to be more effective means of reducing poverty than using the central government structures. This is because the local government provides for local peoples participation in the formulation and implementation of the District Development Planning (Chiweza 2010). Further, with an integrated decentralized planning framework, the DAs would coordinate district level development initiatives and would ensure that duplication in development initiatives is streamlined or minimized as much as possible (Chinsinga 2007).

Although this is the case, the effective delivery of services at the district level has also been limited due to several deficiencies. Most DA are understaffed and have inadequate funding that results to shortage of vehicles, fuel, computers and office stationery to carry out assigned tasks (Patel 2011).

3.1.3 The Role of NGOs

NGOs developed as a democratic alternative to the highly condemned state-dominated development structures offering innovative and people-centred approaches to service delivery, advocacy and empowerment (Banks and Hulme 2012). There are two different roles of NGOs both as service providers and advocates for the poor. The demarcation leads to the differences between the pursuit of ‘BIG-D’ and ‘little-d’ development respectively. Banks and Hulme (2012: 8) note that:

‘BIG-D’ development sees ‘Development’ as a project-based and intentional activity, in which tangible project outputs have little intention to make foundational changes that challenge society’s institutional arrangements. In contrast, ‘little-d’ development regards ‘development’ as on-going process, emphasising radical, systematic alternatives that seek different ways of organizing economy, social relationships and politics.

In their role as service providers, NGOs offer a broad range of services across multiple fields ranging from livelihood interventions and health and education services to more specific areas, such as emergency response, democracy building, conflict resolution, human rights, finance, environmental management and policy analysis (Banks and Hulme 2012). The implementation of service delivery by NGOs is important because many people in developing countries face a situation in which wide range of vital basic services are unavailable or of poor quality. However, NGOs service provision has been seen as frequently characterised by “problems of quality control, limited sustainability, poor coordination and general amateurism” (Lewis and Kanji 2009: 93). Another concern is the potential loss of

independence and autonomy as NGOs began to use resources by their supporters and became funded by donors or governments. Others question the long-term implications for NGOs providing services alongside governments and ask whether NGO services are supplementing, undermining or replacing public services. It has been observed that the longer-term problem is that governments become left out and no longer feel obliged to provide for the people (Lewis and Kanji 2009).

Another key role of NGOs, which became widely acknowledged in the 1990's within the development arena, is advocacy. From the NGOs humanitarian and development activities perspective, advocacy refers to 'speaking out for policy change and action that will address the root causes of problems confronted in development and relief work' (Lewis and Kanji 2009:99). The role and contributions of NGOs in advocacy and empowerment is broad. For instance, most NGOs seek empowerment as an indirect outcome of their wide service delivery activities. Other NGOs pursue advocacy by working in partnership with the Government through which they can demonstrate strategies and methods for more effective service provision (Banks and Hulme 2012). Successful advocacy campaigns aim at building alliances, which includes establishing wider links with other NGOs, broad-based social movements and grassroots organizations in order to bring about effective influence (Lewis and Kanji 2009).

Although the role of NGOs in development has been highly appreciated, some analysts have criticised them for preferring to undertake their activities outside the developing decentralized framework despite that both NGOs and local governments share similar goals of promoting the participation and empowerment of beneficiaries in development initiatives. The result of this has been waste of resources resulting from unnecessary duplication of development activities (Chinsinga 2007).

3.1.4 Women and Land Rights

Rural women are the most poor and abandoned socio-economic group in most developing countries. While they produce 80% of household food needs, on average they control less than 2% of the land globally (ActionAid 2012c). The women have a double burden of household responsibility and generating income to supply their basic needs. They have limited access to health, education, training, public infrastructure, credit or employment. Rural women are rarely represented in national accounting and data collection systems and hence not provided for in policy making and not targeted when measuring the impacts of new policies (Ibid). For instance, although the Government has introduced the subsidy programme, it has made no efforts to specifically target women or to monitor their access to the subsidy programme, even though the majority of farmers are women (ActionAid 2012b). At household level, women are oppressed by their husbands as they do not have control over farm proceeds, even though they provide labour on the farm. Other practices that disadvantage women include land grabbing from widows, gender based violence and harmful cultural practices (Interview 1/12/13).

Previous studies on women's land rights in Malawi have demonstrated that women's access, control and ownership of land in both patrilineal and matrilineal societies is still an issue (NIZA and ActionAid 2009, Kathewera 2010, Chimbuto 2011). Even in matrilineal societies where women are said to own land, ownership is very limited for married women because of their husband's control on the use of land and decisions about crops. For other women, such as sisters, divorced and widowed women, the maternal uncle is in authority who can threaten the tenure security and ownership of women. This is due to negative traditional and cultural beliefs which demean women's position in the society. Specifically, there are household power imbalances caused by a cultural belief that men are heads of the family and are supposed to make all decisions (Kathewera 2010). In addition to this, the situation of

women is a result of poor gender awareness among women, low levels of their land rights and a lack of sustainable structures to champion change and sustain such change in the patriarchal cultural settings (NIZA and ActionAid 2009).

It follows from this that any advocacy strategy which can be put in place to reverse the situation should be twofold: community based and policy makers focused (Kathewera 2010). Specifically, this calls for the application of the HRBA to development, which has the potential of changing the reality of women in Malawi because it identifies duty-bearers with obligations to uphold the rights of women and right-holders to be accountable to each other thereby forming horizontal relationships (White 2010). Since women's access to land is increasingly becoming a topical issue, some NGOs in Malawi like ActionAid, Landnet and WORLEC have taken the issue on board and trying to address it using an HRBA.

3.1.5 ActionAid Malawi

ActionAid was established in the United Kingdom in 1972 as a charity sponsoring children in India and Kenya. It started working in Malawi in 1990 and it was registered as a local NGO under the Companies Limited by Guarantee Act (Reg.8289) in 2007. Since 1990, Action Aid Malawi (AAM) has gone through three strategy periods. The first Country Strategy Paper (CSP1) covered a period 1992 to 1997. The second CSP, 'Working Together to Eradicate Poverty (Umodzi Pothetsa Umphawi)' covered the period 1998 to 2004. The third CSP, 'Rights and Responsibilities to End Poverty (Ufulu ndi Udindo Pothetsa Umphawi)' covered the period 2005 to 2011. The current CSP, 'Peoples Action to a Poverty-Free Malawi' covers the period from 2012 to 2017 (ActionAid 2011: 5).

The organization adopted the HRBA to development in 2005 and this resulted in changes to program implementation strategies. Owing to its decentralized

structure, ActionAid does not have one corporate statement of what it means by an HRBA as it aims to reflect the different views of the poor with whom it works. As a result, there are different interpretations used within the various countries where it works (Harris-Curtis 2005). According to AAM, the HRBA empowers the citizens to take an active role in the analysis, design, implementation and monitoring of initiatives. It ensures that the partners engage duty bearers and demand accountability and fulfilment of their obligations so that the citizens' basic rights are met. The organization's focus has been to promote and protect the rights of the poorest and vulnerable groups of the society in particular women, girls, children, HIV affected and infected, people with disabilities and the poor in general (ActionAid 2011). This means that ActionAid is becoming political as it seeks to eradicate poverty by overcoming injustice and inequality that cause it. Their role in engaging with duty-bearers has received a mixed reaction among them.

Under the HRBA, programs are mostly implemented in partnership with CBOs and CSOs including decentralized district structures, with AAM largely taking the role of facilitators, catalysts and advocates. In its work, AAM has also been providing technical and financial support to its partners as a means of building the partners' capacity to implement HRBA programs. ActionAid Malawi's strategies include: campaigning, policy research and advocacy and service provision. They also use participatory methodologies like Participatory Vulnerability Assessment (PVA), REFLECT, Societies Tackling Aids through Rights (STAR) and Stepping Stones in organizing and mobilizing the poor (ActionAid Malawi 2011).

3.1.6 Implementation of the Tilitonse Project

The Tilitonse project was implemented by ActionAid Malawi in collaboration with COWFA and Landnet in Rumphi and Phalombe districts. The project's aim was to invigorate landless women's influence in land governance and

economic development. Under this initiative, the project was implemented at the national level for policy influencing activities and at the local level in selected areas of these two districts. The project therefore sought to empower 4500 landless women small holder farmers to claim their rights to land, tenure security and supportive services. It also sought to enable women to participate in spaces that are influencing the on-going national land reform policy. The project therefore aimed to “increase the social political power and influence of women through visibility, voice and collective action” (ActionAid Malawi 2013b: 1).

The project value was GBP£134,972 which was worth MK76, 790,726. 67, and was disbursed among 150 REFLECT circles in both Rumphi and Phalombe districts where the project was being implemented in the country (ActionAid Malawi 2013b). Each circle could apply for a total of US\$125, which was about MK50, 000 at that time. The amount was awarded to a circle upon the submission of a proposal, which included a budget on the suggested action points to be carried out. Action points were to focus on awareness of women’s land rights and to change both customary and legal laws (Interview 26/9/13). As discussed in chapter one, the participation of women took place in REFLECT circles, which included thirty right-holders who were guided in their discussions by project facilitators with reference from REFLECT manuals.

The first quarter report of Tilitonse project indicates that the implementation process started with the briefing of COWFA members at district level, the District Executive Committee (DEC)⁶ members, and the two Traditional Authorities (TAs) and Area Development Committees (ADCs) and twenty circle facilitators (ActionAid Malawi 2013a). The briefing of 32 COWFA

⁶ The District Executive Committee (DEC) plays a technical and advisory role to the District Assemblies. The membership of the executive committee includes governmental heads of departments, representatives of parastatals and Non-Governmental Organizations (Patel 2011:11).

members who came from various places of Rumphi took place on 1st December, 2012. During the meeting, COWFA was oriented on the Tilitonse project, reporting requirements and financial management requirements. In turn, COWFA members prepared a presentation to the DEC. The Tilitonse DEC meeting was conducted on 2nd December, 2012 at the District Council Chamber. A total of 41 DEC members attended the meeting. The objective of the meeting was to orient DEC members about Tilitonse project and DEC members to help in identifying another TA apart from Chikulamayembe where the project would be implemented (Ibid).

On the 6th and 7th December, 2012, debriefing meetings were conducted to identify VDCs and villages where REFLECT circles were to be established. The participants to the meetings included the following: ADCs, AECs, VDCs, village heads and Rumphi Women Forum members. After the meetings, the AEC and the women forum members were assigned to conduct sensitization meetings on the project and it was during this time that they had a chance to identify the facilitators with guidance and assistance from the village heads using a criterion for choosing facilitators that was highlighted during the briefing meetings. This was followed by the training of REFLECT circle facilitators the following weeks. Finally, the trained facilitators conducted awareness in their communities leading to the establishment of 75 REFLECT circles whose members were chosen using the criteria mentioned in chapter one (ActionAid Malawi 2013b).

The major implementing actors in the Tilitonse project were: AAM staff, Rumphi Women Forum (RWF), Circle facilitators and the right-holders. My interaction with the ActionAid staff revealed that the following were the roles of these actors. Firstly, the roles of ActionAid staff were to co-implement the project together with their local partners. Specifically, they supported their partners to monitor REFLECT circles, collect, analyse and keep data through

reports so that the reports to the donor is of good quality and are submitted in time, to interpret the proposal document to their partners so that it is understood, in collaboration with their partners to identify best practices in the project and share the same with identified stakeholders, endorse partner requests for the implementation of approved activities and review management accounts each month and provide answers for variances both downwards and upwards (Interview 26/9/13).

Secondly, the roles of Rumphi Women Forum were to monitor REFLECT circles, collect, analyse and keep data through reports, in collaboration with AAM, identify best practices in the project and share the same with identified key stakeholders, present requests for all activities to AAM for endorsement for implementation of approved activities and take a leading role in all advocacy initiatives and engagement and engagement with duty-bearers (Ibid).

Thirdly, the roles of facilitators were to provide leadership to right-holders in circles. According to the AAM officer, in this role, they were not supposed to identify and analyse issues for action planning but just to provide the leadership in respect to facilitation (Ibid).

Finally, the right-holders were supposed to analyse issues that affect them and come up with action points on how to address such issues. They were also supposed to engage authorities during advocacy since they are the ones impinged with the issues (Ibid).

Strategies used in Tilitonse Project

In order to achieve the objectives of the project, the main approach used was the HRBA and its pillars of empowerment, solidarity and campaigning. The empowerment activities that were conducted were the women's land rights awareness building through Reflection Action discussions (ActionAid Malawi 2013b). In these circles, the right-holders were taken through different topics

using the REFLECT manuals by facilitators. The manual contains ten topics namely: women's land rights, gender, patriarchy, land laws, democracy and women's rights, farming practices, advantages of owning land, ownership on land and land proceeds, farm inputs and agricultural services and post-harvest management.

The solidarity building activities that were conducted include the mobilization of women farmers' network at local level and linking women with national CSO's to add voice. To this effect, ActionAid Malawi strengthened its partnership with COWFA, Landnet Malawi and NGOGCN (ActionAid Malawi 2013b). While Landnet Malawi and NGOGCN were actively involved in supporting the land justice campaign at national level, COWFA played a supportive role both at district and national levels.

Finally, campaigning activities that were conducted were the interface meetings with policy makers such as parliamentarians, chiefs and the DEC. During the period of data collection, only two national interface meetings between women farmers and the parliamentarians on the issue of land Bill⁷ had been conducted. At the project level, all the 75 circles were supported to engage with their chiefs to demand their rights (ActionAid Malawi 2013b). The extent to which these strategies were operationalized will be a subject of discussion in the next sections.

3.1.7 HRBA versus ActionAid's Theory of Change

ActionAid's theory of change provides an elaboration on how the HRBA would be like in operational terms. When compared with the HRBA, the

⁷ In 2013, the Government of Malawi intended to table before the Parliamentary sitting various Bills governing land matters for enactment. AAM commissioned a detailed study of the proposed Bills to provide its input to the Honourable Members of Parliament who will be debating the Bills in Parliament. Among many issues that were identified, the study examined whether or not the proposed Land Bills have made any provision or adequate provisions for securing and guaranteeing women's and other vulnerable groups' rights of access to and control over land in Malawi (ActionAid Malawi 2013d).

theory of change is useful as it outlines how the HRBA can be put into action. This might explain why the theory of change is desirable by most NGOs as it clarifies what the HRBA principles would entail in development programming. The significance of the theory of change is that it is flexible as it allows ActionAid to incorporate both the HRBA principles and the organizations innovative principles to address poverty. As a result, poverty is addressed from various angles rather than solely relying on human rights. At the operational level, the theory of change incorporates a wide range of activities such as advocacy and also borrows from the basic needs approach by responding to the needs of the poor and this is what AAI has called the rights-based service delivery. However, the incorporation of all these approaches depends on the objectives of a particular programme.

The theory of change posits that change can happen only by combining reliable right-based alternatives and organizational values namely: empowerment, solidarity and campaigning. This theory prioritizes the poor people and supports them to become aware of their rights, and organize them so that they can claim their rights thereby holding their respective duty-bearers accountable. This is similar to the HRBA as it draws from four main principles of the HRBA namely: equality, participation and accountability and empowerment. For instance, in Tilitonse project, by targeting women and allowing them to take part in analysing issues affecting their lives, the aim was to fulfil the principles of equality, participation and accountability. The idea was that if women are empowered, they can hold the duty-bearers accountable. But on the ground, the realization of these principles was limited because of some challenges that will be discussed in the next section.

Another significant aspect in the theory of change is the realization that change cannot happen by a single individual but by working together as a group. To this effect, the theory of change incorporates the principle of

solidarity for the purpose of coming up with a movement for change. ActionAid emphasizes building alliances at the local, national and international levels to connect people and organizations who are concerned to fight poverty. The advantage of networks formed at the local level are that they tend to have more horizontal relations between members providing a less hierarchical environment thereby offering a potential to challenge power relations (Chapman 2005). Building on solidarity also requires that partners continue to make donations for the cause. This is significant for countries like Malawi that do not have enough resources to address poverty. Moreover, solidarity plays a key role in situations where an individual's claim and villagers' claims cannot be honoured. For instance, the formation of COWFA by ActionAid (AAM) has enabled that women demand their rights as a group.

Moreover, one core feature of the theory of change that is not explicit in the HRBA is campaigning, which aims at addressing the root causes of poverty, without which significant change cannot take place. This brings into the realization that sometimes it is not only the lack of human rights but laws and cultural practices that perpetuate poverty in the societies. To this effect, AAI aims at either addressing unfair policies and uses a variety of strategies like: research, advocacy and public engagement. Sometimes a change in the attitudes and behavior is needed and in that case the media and mass communication become effective tools for campaigning. My findings during fieldwork indicate that in its implementation of Tilitonse project, AAM incorporated all aspects of campaigning. For instance, AAM conducted a study on the implications of the land Bill, it supported COWFA to engage with the parliamentarians and also involved journalists in the project so that they can document best practices and spread the message to the masses through the media such as radio, newspapers and newsletters, and also the video documentary.

3.2 Implementation Challenges

ActionAid's theory of change was used in the implementation of the Tilitonse project. But to what extent was the theory operationalized at the local level? Does the theory of change simplify the HRBA or pose another dilemma in the development discourse? This section discusses the extent to which AAM operationalized the main principles of the theory namely: inclusiveness, participation, accountability and empowerment in Tilitonse project.

3.2.1 Inclusiveness

In Tilitonse project, the principle of inclusiveness was applied to a greater extent as AAM had a defined criterion of who should become members of circles. Interviews with right-holders in participating circles showed that they were satisfied with the selection process. According to the respondents, the chiefs were able to identify the members in their respective villages without preference or discrimination based on any grounds. The most deprived women who met the given criterion were identified and they joined the circles willingly. In explaining the above point, the right-holder of circle category B3 elaborated that:

ActionAid had a criterion for choosing the members. At a briefing by our chief and facilitator we were told that the members must be widowed women, divorced women, the elderly women, women who do not have access to land or agricultural services, women subjected to gender based violence, and those who do not have ownership to land. The chief helped to identify us because he knows us very well. And indeed, in our circle the members belong to some of these categories (Interview 5/10/13).

All the participating right-holders were able to mention the above criterion without difficulties. The fact that the right-holders were able to recite the criterion means that it was well-known to the whole community and this might have minimized its manipulation. Moreover, the project was first introduced to

the communities by a number of actors like the circle facilitators, the COWFA members, the VDCs and the chiefs, and this might have improved the level of transparency.

Although there were thousands of women who fall in the same category who were left out in the district, the limiting factor in most NGOs' development initiatives is lack of financial resources to target every poor woman.

Interviews with senior officers of Oxfam, NCA and AAM reveal that they lack financial resource to target a greater number of vulnerable groups through their programs. As a solution to this, AAM encouraged the right-holders to pass on the same messages to their neighbouring villages. For instance, as part of their action points members of circle category C5 disseminated the knowledge they have acquired in a neighbouring village through dramas, music and dances (Interview 4/12/13).

3.2.2 Participation

In the context of development planning, the HRBA requires the participation of all relevant right-holders and duty-bearers in the entire programming cycle from conception to evaluation (Ussar 2011). The research findings show that participation was partially applied in Tilitonse project. Specifically, the findings revealed that the right-holders, facilitators and GVHs were partially involved during the implementation processes of the project. The right-holders were not involved in the initial designing process of the project as evidenced by their lack of contribution in the production of the main proposal document and the REFLECT manual, which was used for lessons in REFLECT circles. The main proposal was written by AAM staff with reference to specific guidelines from the donor (Interview 26/9/13). The authors of the manual included COWFA district and regional officers as representatives of right-holders.

The study suggests that AAM had already imposed their knowledge on the right-holders during the main proposal preparation stage and when the REFLECT manual were being produced. The absence of the right-holders themselves in these two initial stages meant that local knowledge and preferences were missing out in this document. This is contrary to what was assumed in chapter two that the HRBA approach transforms power relations to the extent that the beneficiaries can be initiators of the project (Chapman 2005).

This means that the HRBA has not led to a radical change on the way development projects are being implemented on the ground when compared to traditional development approaches. In view of this, the AAM senior officer in Lilongwe (who had worked for the organization for more than seven years and had experience in both the traditional approaches and the HRBA) acknowledged that:

For me, it is just the same things we were doing at first only that now it has a different name. In the past we wanted people to have food, shelter, better education and good health. All these were called needs. This time, it is just a better understanding that these are not 'needs' but they are 'human rights' that must be met. We are questioning why 'house A' must have food while 'house B' does not have food (Interview 16/9/13).

Based on this observation, it can be argued that what is new in the HRBA approach for NGOs like AAM is the emphasis put on the realization of human rights and not necessarily the process of development. The findings indicate that there was a continuation of a top-down approach as the participation of women in the project was predetermined. For instance, when it came to crucial inputs like coming up with action points, the REFLECT circle facilitators had to suggest such action points based on the manuals and briefings by RWF and AAM staff. Moreover, even if women participated fully in the discussions, they were limited by the guidelines in the manual thereby leaving no space for

women's innovations in most of the project activities. The result was that what was put on the table for the right-holders was not what they really wanted to have. This was well spelt out in interviews with the right-holder of circle category B1:

In our action points we included the issue of fertilizer, animal farming and exchange visits. We wanted to use the US\$125 to buy three bags of fertilizer and share equally amongst the circle members but the proposal was rejected. We were told not to include the fertilizer issue and then told what to include instead and this discouraged us. We think that as the elderly and widows, we have not been assisted as we should have been assisted differently (Interview 01/12/13).

One of the reasons that might explain the exclusion of the right-holders during the initial stages of the project is that most development practitioners assume lack of capacity among the poor people to address their situation hence the imposition of their ideas on them. Another reason is that the HRBA requires substantial resources for the inclusion and participation of everyone affected by the project which might not be available. Although the AAM officers did not point this as a challenge in this project, the UNDP and NCA officers noted that in most development initiatives, the principles of inclusion and participation are compromised as some groups of people are excluded at certain levels of decision making. In view of this, a NCA officer in Lilongwe argued that the operationalization of the principles of participation and inclusion require extra resources, which most donors are often reluctant to provide (Interview 17/09/13).

At the project level, the participation of right-holders took place in REFLECT circles. In each circle, there were thirty women who were guided in their discussions by the facilitators with reference to the REFLECT manuals. During my visitation of the participating circles, I observed that the facilitators further divided the women into smaller groups of five in order to do a deeper analysis on the issues involved. After the discussions, leaders from each group

presented their findings to the whole group and the facilitators just made corrections where necessary, stressed on the issues which were not understood and concluded the whole topic. The role of the facilitators is summarized in one of the interviews with the facilitator of circle category B1 who stressed that:

My role as a facilitator is not to teach these women but to guide the discussions on the topics in the REFLECT manual with them. The right-holders are supposed to analyse the issues themselves (Interview 01/12/13).

But during the observations of circle discussions, the role of facilitators was two-fold as they played both the facilitation role and trainer. While they gave chance to the right-holders to discuss what they thought were pressing issues, they also dictated what actions need to be carried out. I suggest that this dual role was important as it aided those right-holders who found the lessons challenging.

The level of right-holders participation within groups varied significantly. This challenge is heightened because of low education levels of women in the country. Indeed, in the participating circles it was discovered that although most right-holders had attended primary school education, which reflected the proportion of literate females in Rumphi district, which is at 85.2% (Malawi Government 2012b), very few right-holders had reached secondary school level. This heavily affected the operation of circles as the right-holders' understanding of issues was low, and very few made effective contributions in the discussions and above all this compromised the whole essence of the lessons. When I observed the circles in session, I discovered that while some right-holders were active, others particularly the elderly women were slow learners. A facilitator of circle category B2 explained the levels of understanding of right-holders as follows:

Generally in this circle, women's understanding of the issues at hand is very low because some topics discussed are new to them. In this circle, most members are elderly women and it takes time for them to understand the issues that are discussed that's why I take them through at a slower pace (Interview 10/10/13).

The slow pace in undertaking the lessons affected the implementation of the project as a whole because the circles were on different stages. For instance, while some circles had executed up to two action points, some circles such as B2, B3 and C1 had not carried out any activity. According to the circle facilitators, the slow pace was desirable to make sure that the slow learners comprehend what was being taught.

Participation of the right-holders in these circles was also compromised by the actual number of right-holders who were present during lessons. My findings revealed that the average attendance was 50% to 67% out of a total of thirty right-holders who were expected to take part in the discussions. High absenteeism was attributed to funeral attendance, sicknesses at home, household chores, farming and attending party meetings just to mention a few.

Although domestic work overload is common for most rural women in the country and that it can help to explain high absenteeism, my findings revealed the expectation for material benefits as another contributing factor. This finding can be confirmed by comparing the high number of right-holders who made themselves available during the monitoring and evaluation exercise that was conducted with AAM officers from Lilongwe and Rumphi, and the low attendance of right-holders during their weekly meetings. The exercise was highly attended because the right-holders thought that AAM staff would give allowances or offer new solutions to the challenges that they were facing. Moreover, when I went to interview a facilitator and right-holder of circle category C5 he invited all right-holders to my surprise. The facilitator asked me to introduce myself and the purpose of my visit and then dismiss the

group. When I asked the facilitator why he had disturbed the whole group, while I had made it clear who I was and the purpose of my visit the day before, he said that he did that for the sake of transparency in case some right-holders might think that I was linked to AAM staff and brought material benefits. The pervasiveness of the problem was well articulated in focus group discussion with right-holders of circle B3:

When people join project circles, they expect to be helped. When they have attended for a few days and find that there are no hand-outs, they withdraw their participation thinking that they are just wasting their time (Interview 5/10/13).

In a similar manner, the AAM senior officer in Lilongwe acknowledged that one of the major challenges in the implementation of the HRBA is the resistance by local people who feel that an HRBA is a hard way of getting their needs. As a result, they lose interest along the way (Interview 16/9/13). The above findings reflect a legacy of NGOs mobilisation of local communities with the aid of financial incentives, which is proving difficult to surmount. Previous studies on NGOs provide supportive evidence for this trend among the rural areas. For example, a comparative analysis of the NGOs and local government structures focusing on resources, feedback and impact by people of Njema village in Mulanje District discovered that people are willing to participate in NGOs than local government projects because time was not completely wasted as NGOs reward the participants in some way (e.g. decent meals or pocket allowances) unlike local government projects, which were without immediate benefits (Chinsinga 2007). In addition to the above case, the DCP IV project annual report indicates that competition among the Civil Society Organisations in Salima district, has led to some NGOs issuing cash in the name of allowances to the target groups. This has affected the commitment and sense of ownership towards the projects that do not provide cash to the beneficiaries (CHRR 2013).

My findings indicated several ways in which the challenge of absenteeism was being addressed. The circle facilitators were honest and continuously explained to the right-holders about the objectives of the project. In some circles a fee was instituted for absentees who gave no concrete excuse, which proved futile as right-holders would normally give a valid excuse. In all the project circles, the right-holders were encouraged to develop Village Small Loans schemes (VSLs), for the purposes of borrowing and saving and irrigation farming (for those had nearby water sources) as incentives. However, these methods did not help much to rectify the problem as some right-holders already belonged to a VSL in their villages prior to the project and could not manage to belong to two VSLs.

The RWF officer acknowledged that they had previously been approached several times by facilitators from different REFLECT circles that what the right-holders deemed as necessary was capital to buy fertilizer but AAM officers insisted that it was beyond the project's aspirations (Interview 6/12/13). The right-holders requested fertilizer because not all them are targeted in the fertilizer subsidy programme, which is run by the Government. This agrees with an evaluation of 2006-07 fertilizer subsidy program, which indicate that women are less likely to receive fertilizer coupons than men as 54% of all female-headed households did not receive coupons as compared to 43% of male-headed household (ActionAid 2012b). Further, most action points in the manual emphasized on getting loans and using manure, which are hard activities for the older women and most impoverished women (Interview 5/10/13).

My observation and interaction with the community members in the district also revealed another explanation of why the REFLECT discussions were poorly attended. Basically, as it was discussed in chapter one, Rumphi is generally under-developed with most of the right-holders lacking basic needs,

social services and proper transportation, which negatively affect their daily activities. This means that the right-holders have to make a rational choice between either searching for their daily bread or searching for transport to take their sick child to the hospital, or fetching for firewood and participating in the REFLECT discussions, which will not bring any immediate solutions to their so many immediate needs. Given that most right-holders really struggle to meet their daily needs, it partially explains why the lessons were poorly attended by the right-holders. Painting a good picture of the pervasiveness of the plight of the right-holders in the community, the facilitator of circle category C1 argued that “even a cup of salt would motivate women to attend lessons because most of them spend their time looking for such basics” (Interview 2/11/13).

The above findings are in line with an observation that for some NGOs that have adopted an HRBA, there is a tendency to see any service delivery as an out-dated and unsuitable intervention and disregarding the role that service delivery efforts can play in “strengthening the empowerment processes, local organisations, trust-building and concrete changes in peoples living conditions” (Chapman 2005: 35). This might be true considering that in Tilitonse project the emphasis was on women’s rights awareness without including an element of service delivery on the immediate needs of the right-holders. The result was that the initiative did not meet the needs of an ordinary right-holder who thought that their living conditions would improve. In view of this, the right-holder of circle category of C2 questioned the benefit of the knowledge she had acquired: “we have been given knowledge that we can pass to our children but there are immediate needs that we lack ... for instance, some of us want to start our own businesses but lack capital to do so” (Interview 15/10/13). Based on the above assertion it can be argued that in a poor country like Malawi, the realization of long-term goals must be incorporated with service delivery to meet the immediate needs of the people.

3.2.3 Accountability

My interactions with the right-holders and facilitators of circle projects revealed that the principle of accountability was partially applied in Tilitonse project. According to the senior officer of ActionAid (AAM) in Rumphi, AAM accomplished both upward accountability to the donor by presenting quarterly reports on the project and a downward accountability by involving their partners and stakeholders in the implementation of the project (Interview 26/9/13). The degree to which their stakeholders were involved and the extent to which accountability was achieved is discussed below.

As discussed above, during the initial stage of the project, ActionAid developed their strategies together with their implementing partners (the Rumphi Women Forum) only and not the right-holders. Specifically, during the initial stages of the project only the COWFA members at the district level were involved during the planning of the project. This means that the right-holders were involved at the circle level. In the circles, there was joint implementation of the project in order to ensure transparency. AAM staff carried out their work together with their partners namely the RWF and the right-holders. For example, the right-holders submitted monthly reports to the RWF who in turn submitted quarterly reports to AAM staff.

In order to ensure downward accountability, AAM uses Participatory Reviews and Reflection Processes (PRRPs) where the right-holders are supposed to examine the work of ActionAid. The significance of this is that it provides a forum for discussion where the right-holders are supposed to provide feedback and identify both positive and negative practices in the project. In turn, ActionAid is supposed to give an account on the issues that transpire. My observations in the field indicate that the PRRPs were all inclusive as they involved AAM, their implementing partners (RWF), the right-holders, the village chiefs the chairman of VDC and journalists. However, very few right-

holders were able to voice out their concerns (especially the issue of fertilizer) to AAM staff. In general, the right-holders were not able to question ActionAid on what they did not like (for example, dictating how the right-holders should use the funds they receive in circles) as indicated by most participating right-holders during my interactions with them. This might be because the empowerment of women was still underway as it will be discussed in the next section. Overall, the degree to which the PRRPs were able to facilitate the required downward accountability was very limited as only 8% of the project circles participated.

In addition, the RWF were supposed to supervise the project circles so that the right-holders can voice out their concerns. Similarly, my findings indicate that the RWF officers were not able to supervise all the REFLECT circles.

According to the officers, the supervision of circles was challenged by a lack of financial resources to cater for transportation costs and food allowances (Interview 6/12/13). This was also acknowledged by both the project facilitators and right-holders of circle categories B2 and C4, who complained that they had never been supervised since the project began (Interview 5/10/13 and 10/10/13).

AAM shared financial information with the right-holders through meetings. My findings indicate that the right-holders and key stakeholders of the project such as the village chiefs and the VDCs were told how much the project was worth and how much was to be disbursed to each circle. Once the money has been disbursed it was managed by an accountant in each circle who kept records on how the money was being spent.

Moreover, accountability was compromised due to communication gap between AAM staff and their implementing partners, the RWF and the right-holders. For instance, some right-holders lacked relevant information on the activities of the circle due to failure on the part of AAM staff or RWF to

disseminate such information in time. This trend was observed in four circle categories C4, C5, B5, and C2 as all of them were affected as a result of lack of information on the project activities. Interviews with a facilitator of circle category C5 revealed their dissatisfaction in the following extract:

Our proposal was rejected twice because our action points did not match what they wanted. There wasn't enough information. We were not told what to include in the budget beforehand and we thought that we could propose anything that we decided as a circle. The project is approaching to an end but we have been visited once and we feel that we are left out (Interview 4/12/13).

In order to make sure that the right-holders were linked to the duty-bearers, the project was supposed to work with the departments of Lands, Agriculture and Development in the district. However, on the ground there was communication breakdown between circle facilitators and Community Development Assistants (CDA) and lack of supervision of circles by extension workers. As such, most circles were left out without proper training from experts. The result of this was that the duty-bearers were not in contact with the right-holders.

3.2.4 Empowerment

In my analysis, I define empowerment as a condition where people have known their rights, are able to proclaim their rights and able to demand services from the Government and other service providers (Kilby 2011). My research findings indicate that the empowerment of right-holders was still underway.

To a greater extent, a certain level of rights awareness among the right-holders had been achieved. Most right-holders had known their rights and were able to realize and question retrogressive cultural practices. An extract from an in-depth interview with the right-holder of circle category C2 confirms this claim:

I have known my rights especially the right to own land, I have discovered that I was being discriminated by my husband by not being given my own piece of land, I have realised what I can do to promote my life and how to become an independent farmer (Interview 15/10/13).

This woman represents thousands of women who have benefited from the lessons in Tilitonse project. The role of REFLECT circles in rights awareness cannot be underestimated considering that most women in Malawi are illiterate. As I discussed in chapter one, most women have low education levels and therefore are unaware of their rights. When women learn that their rights are determined in the national constitutions, laws and policies, women also learn that their subordination is constructed by social systems and that it can be altered (Drinkwater 2009). This indicates that to some extent programmes that aim at raising awareness among the vulnerable groups are significant.

In addition to this, the Tilitonse annual report indicates that as a result of their action points women themselves engaged with their local leaders and men on women's land rights in their villages hence more individual village heads, uncles and husband are increasingly granting land to women (ActionAid Malawi 2013b). However, the findings of my study indicate that most right-holders were able to engage with their husbands than their village heads. In the participating circles, out of an average of 20 right-holders who had been given pieces of land by their husbands, only one to three right-holders had been given pieces of land by their village chiefs in three REFLECT circles while in some circles no right-holder had been granted land by their village chiefs.

Moreover, some right-holders were able to engage the village heads on the distribution of fertiliser coupons, as these leaders play a big role in the choice of beneficiaries at village level (ActionAid Malawi 2013b). My findings indicate that out of ten participating circles, it was only members of circle category C2 who had taken this initiative. This indicates that although the

right-holders have known their rights, they have not moved to the level of demanding them publicly.

My findings indicate that customary law continued to play its role in the whole process of transferring pieces of land from husbands to the right-holders. As such, the land was not legally transferred to the right-holders. This means that it was difficult to establish whether the right-holders owned the piece of land they had been given or they simply had been given access to use the land. Interviews with some right-holders showed that in reality, the right-holders might lose control of a piece of land when they are divorced and remarry somewhere or when the husband dies or due to other factors as agreed at family level. For example, during an in-depth interview with a right-holder in circle category B3, she openly admitted that the husband had simply given her access to use the land but that he retained the power to take it away from her at any time:

My husband was reluctant to give me land because he thought that when I will have my own piece of land, that will be the end of marriage since everyone will be farming on their own. But when the facilitator explained to him, he understood and gave me one acre of land but he said he will take it back if I use it for personal gains meaning that the gains from the land must be used for household expenses (Interview 5/10/13).

Moreover, as noted in the previous chapter, some right-holders may lack experience in expressing their views and needs and lack the confidence to participate in decisions and voice their opinions (Filmer-Wilson 2005). This was also observed during a monitoring and evaluation exercise with right-holders of circles B4, B5, C1 and C3. During the exercise, it was discovered that the process of empowerment is stagnant as most right-holders could hardly participate in the deliberations that were taking place. The discussions were dominated by leaders of the circles who were also selected depending on their past experiences in community development or their personality. This

shows the intensity of disempowerment of women in remote areas which have been marginalised for a long time and have not benefited from NGOs interventions prior to this project.

My findings suggest that the process of empowering the right-holders was still underway as their understanding of the HRBA was very low. Much as the participating right-holders were able to spell out all main objective of the project most of them were not able to separate it from other traditional approaches of development as they failed to grasp the reality of the HRBA proper and they were still expecting immediate material benefits. For instance, the request of fertilizer from ActionAid was a common theme among all the right-holders that I interviewed. When asked what they were doing to solve the problem as a circle, most of them said they were waiting for ActionAid to assist them citing that the use of manure that has been suggested in the REFLECT manual and taken on board as a solution would not be effective because they have large plots of land. During an interview with one of the right-holders of circle category B2 this contradiction was noted:

We thank ActionAid for the project which has provided the lessons and as a result we have known our land rights. But what are we going to do with the land? We do not have capital therefore we ask ActionAid to assist us with hoes, fertilizer or opportunities for loans (Interview 01/12/13).

This tendency of requesting AAM staff for farm inputs and implements was also observed during the monitoring and evaluation exercise. Most right-holders requested ActionAid staff to assist them with fertilizer. As a response, the right-holders had to be reminded that AAM's role was just to facilitate and link them with institutions that would provide fertilizer loans and not to distribute fertilizer or offer fertilizer loans as most of them thought. This demonstrates that an HRBA had not been fully embraced and people were still used to direct service delivery.

Further, just as in previous studies on the HRBA in Malawi (White 2010 and Patel 2011), my findings indicate that most right-holders lacked skills to demand their rights. This can be attributed to a failure by the implementers to put stress on skills on how and where to demand rights if violated. For instance, most participants in this study did not take an initiative to engage with their duty-bearers on the issue of fertilizer and agricultural services. Most of them were waiting for AAM staff to assist them.

This above challenge is aggravated by a lack of corresponding legal infrastructure at the local level to address claims if the rights of women were not met (Banik 2010, White 2010, Patel 2011, Clarke 2011). The Tilitonse project's annual report acknowledges this and indicates that COWFA was not able to facilitate women with land issues to get legal redress because they did not have funds to pay lawyers to take the cases to a court of law (ActionAid Malawi 2013b). The lack of paralegal services meant that the right-holders did not know where to complain when their rights have been violated.

Another issue that affected the empowerment of the right-holders is inadequate resources by the Government, which meant that the right-holders demanded their rights where there is no supply. As a consequence, there were no remedies for a number of issues presented by a few right-holders to their immediate duty-bearers in the area. During an in-depth interview with the village chief represented as GVH A2, he attested that:

Indeed I and my colleagues received a complaint from the right-holders that they would like to benefit from the fertilizer coupons. We went to the District Agricultural Development Officer (DADO) and he told us that he too does not have the powers on the number of coupons sent to him because such decisions are made at the headquarters. So the issue was just left like that (Interview 23/11/13).

This is a very serious challenge in Malawi where the Government is faced with competing demands on limited resources and hence the failure to respond

to such demands. Other studies on the HRBA support this trend in developing countries and note that the gains of the HRBA are reversed by the neo-liberal policies that lead to fewer resources for social services and basic needs (Clarke 2011). In trying to address this challenge, the AAM senior officer in Lilongwe narrated that as an organization they have taken strides in engaging with duty-bearers at all levels, which have not yielded meaningful results. For instance, at one point they engaged with the Government officials who had failed to deliver social services in a certain community. The Government officials responded that they were failing to deliver services because they did not have enough resources due to certain conditions imposed by donors, which required reductions in overall public expenditures. Further, AAM had gone as far as engaging with IMF officials on donor conditionality, which has serious repercussions on the delivery of social services, but again this remains an on-going process (Interview 16/09/13). This suggests that at the moment no one is responsible and answerable to the violation of rights of vulnerable groups and this waters-down the demands made by the right-holders.

Another issue in the operationalization of the HRBA is that there are disjointed efforts among NGOs, which results in sporadic work that is seldom influential. My findings indicate that the international NGOs had different development priorities. While some organizations are working on transparency in mining industry, others are variously focused on empowering citizens to understand the budget cycle, land rights, consumer rights, right to food and the right to health. According to the UNDP senior officer, such a diverse set of initiatives have led to too many projects with corresponding sets of duty-bearers but with very little coordination among them (Interview 12/9/13). The result is that there is competition amongst the NGOs with no unanimous voice to move the Government to respond to demands of the right-holders on a larger scale. This finding is in agreement with other analysts who

noted that the HRBA is challenged by disjointed and inadequate demands of rights (Patel 2011).

The duty bearers at all levels think that they are challenged as authority. My findings indicate that it took a lot of explanation for the right-holders' husbands to understand why the right-holders were demanding to be given a piece of land. At the national level, Government officials are not comfortable with people demanding their rights and they think that NGOs are "witch hunting" them (Interview 13/09/13). Their inaction to the demands of the right-holders may be a sign that they have not embraced the spirit and principles of the HRBA. Interviews with a senior UNDP official indicated that when villagers go to authorities to demand their rights, they are not listened to. It is only when they work as a group and through the press that they are sometimes listened to (Interview 12/09/13).

3.3 Impact of an HRBA on women empowerment

The REFLECT approach created democratic spaces where the right-holders were supposed to participate equally and take part in decision making concerning their daily challenges. In showing its impact, ActionAid Malawi (2013b: 4) notes that: "the circles have ... strengthened women's capacity to communicate and be heard and the approach is leading women into a strong, organized entity that creates its own space to engage local leaders and other duty bearers". Previous research⁸ conducted in the country on the impact of HRBA, supports this and shows that the HRBA projects open up spaces for meaningful inclusion of marginalized people such as the poor, rural people, poor women, ethnic minorities and orphaned children.

⁸ The UK Interagency Group (IAG) initiated a two year evaluation/learning process to examine the impacts of the HRBA and non-HRBA approaches to development in Bangladesh, Malawi and Peru. In Malawi CARE Malawi's HRBA PACE (Partnership in Capacity Building in Education) and non-HRBA BESP (Basic Education Support Project) projects were compared (Crawford 2007).

Indeed, the role of these circles cannot be underestimated considering that other studies indicate that only a small percentage of community members actually participate in development initiatives in the country (Bamusi 2007). Moreover, as I discussed in the previous section, Malawi has entrenched gender disparities with women being underrepresented in politics and decision making at all levels. As such, the REFLECT circles led to solidarity among women farmers both at local level and national level. As a result, women farmers network is getting more organized through the use of these circles at local level. The right-holders network has been further linked with national CSOs such as COWFA and NGO-GCN in the land advocacy campaign in order to amplify the voice of women on land rights (ActionAid Malawi 2013b).

The programme's adoption of an empowerment approach in the project had a considerable impact on land rights awareness through REFLECT circle discussions. The annual report of the Tilitonse project indicates that it is through these circles that the targeted 4,500 women in both Rumphi and Phalombe districts where the project was being implemented have been aware of their land rights (ActionAid Malawi 2013b). On a similar note, my research also documented the fact that the approach has helped in the filling of knowledge gap on development issues among the right-holders in the previous section. Most of the right-holders were exposed to some new topics that they had never known before. The depth of knowledge gained was well captured in an interview with the right-holder of circle category C1:

I have been taught a lot of topics that we didn't know before. I have learnt about women's rights, the difference between sex and gender and Village Small Loans. I didn't know all these before. I don't have a radio. We were heavily discriminated, but now even my husband understands and he helps with household chores. I have learnt how to be independent and not to rely on my husband. At the moment, though it is not the growing season, I have my own irrigation farm (Interview 2/11/13).

The impact of NGO's implementation of an HRBA to development on economic and social rights awareness was also reflected at national level as a proof that NGOs have taken strides in blowing the trumpet on rights issues. The MHRC report indicates a serious shift in the trends of complaints received and registered by the MHRC where Civil and Political Rights dominated. Contrary to what had been the case in the past years, in 2011, the MHRC received and registered 219 complaints in the area of Economic, Social and Cultural Rights as opposed to 175 cases of Civil and Political Rights. According to the report, the increasing number of complaints under the Economic, Social and Cultural rights indicates that people are more enlightened on these rights especially by MHRC partners like NGOs, Trade Unions and CSOs (MHRC 2012).

Moreover, through the Tilitonse project, most chiefs have changed their attitudes on retrogressive cultural practices that affect women's rights. Similarly, through Women's Land Rights projects (WOLAR) which were implemented in the country by ActionAid in 2009-2011, some chiefs changed their mind-sets and attitudes toward women's right to land ownership (ActionAid and DFID 2012). My interactions with all participating chiefs and one principal GVH revealed that all the other (non-participating) chiefs in his area have welcomed the idea. This is a significant development considering that the chiefs who are custodians of cultural practices, and capable of resistance to cultural change, are on the fore front promoting women's land rights. The change of chiefs' attitudes has been attributed to the training of chiefs on women's land rights before the implementation of the project (ActionAid Malawi 2013b). In addition to this, my findings in this study indicate that other factors might have played a role too. Sometimes the chiefs do not resist in order to pave way for development initiatives in their communities. The following excerpt from an in-depth interview with Chief A2 illustrates this point:

We believed that our daughters should not be given land because they will get married. But when we were briefed of the consequences, I realised that we were wrong. Cultural practices change and when we cling to old cultural practices we can lose important development initiatives in our communities (Interview 23/11/13).

The shift in the chiefs' attitude is a milestone in Tilitonse project considering that in the past the HRBA has been criticised for being "insensitive to culture" (Katsui 2008:10). Analysts have supported this and indicated that cultural resistance is a significant challenge that may take time to be dislodged. For example, in one UNICEF case study in Zimbabwe, the application of a HRBA approach encountered robust opposition and scepticism from the Government because it implied that the Government has a duty towards the right-holders. At the local level, it was resisted because of its priority on children's and women's rights. As a result, two years was invested on gradual adaptation of the important values of an HRBA in order to demonstrate that most of these values were not in conflict with the local cultural structures (Clarke 2011). In Malawi too, the DCP IV project implemented by CHRR in Salima district faced similar challenges. According to the annual narrative report, some chiefs undermined the legitimacy of the Community Based Facilitators (CBFs) and Community Rights Committees (CRC) as they regarded them as threats to their authority (CHRR 2013).

Contrary to this, my study show that in Tilitonse project, the local cultural practices were taken into consideration as the HRBA was contextualised during the implementation process. In Tilitonse project, the chiefs were trained on the consequences of not giving land to their daughters and not criticised and accused of not giving land to women. Since most of the chiefs have witnessed how the widowed and divorced women suffer when they return to their parents' homes where they become landless, it became very easy for them to understand that such are inhumane practices. Men in the community

were also informed about the advantages of having a sound financial base at household level when both the husband and wife would have their own pieces of land. Moreover, in REFLECT circles, the right-holders were taught to respect their husbands and not be rude to them once they have been given land.

Some right-holders indicated that there is the change of cultural attitudes, gender roles and reduced domestic violence at household level as a result of REFLECT discussions. Since the district is a highly patriarchal society, married women are not supposed to take part in decision making concerning household affairs. Moreover, most women have a burden of domestic work which limits their time to engage in income earning activities (ICEIDA 2012). The participating right-holders and circle facilitator noted domestic violence as one of the challenges in their communities. While the violence is minimal in areas within Rumphi Township, the practice is wide-spread in areas outside the Township. But with the discussions that happened in circles, notable positive changes in the above mentioned challenges have taken place in some households. These changes are well explained in a quotation from an in-depth interview with the right-holder in circle category B4:

Because of our marriage system, I did not have authority but at the moment my husband is able to listen to me. Nowadays when I am coming from the farm, I find my husband cooking, something which had never happened in the past. The change has come about because when we have discussed the topics in the circle, we share the knowledge to our husbands.

Generally, contrary to the expectation that changing of attitudes might take a long time to achieve, in Tilitonse project there were great achievements within a short period of time. My findings indicate that there was not much resistance by the village chiefs in accepting the AAM's intervention. During the period when I was collecting data, most circles were eight months old but on average, 66%-80% of the right-holders in each circle had been given the right to use

pieces of land largely by their husbands. There are a number of reasons that may explain why it was not so difficult to achieve such desirable results within a year without resistance at local level given the magnitude of masculinity in the district. Moreover, if women were less empowered as shown by not being able to express themselves, how did they negotiate their land rights with their husbands and chiefs? As observed above, the process of demanding land from the husbands and chiefs was contextualised. This meant that “demanding of land rights” which in local culture would be misunderstood as “challenging authority on land issues” was adjusted to “discussing with husbands and chiefs on land issues”. An interview with the right-holder of circle category C1 reveals the process of getting land from her husband in the following extract:

In our circle, we were taught that everyone should have a piece of land. After lessons, I discussed this with my husband and I had to request him to give me a piece of land. I had to kneel down as a sign of respect otherwise he would not have given a piece of land to me.

Another reason relates to the finding that NGOs and donors have a strong desire to point to a demonstrable impact within the shortest time-period within a particular field (Chinsinga 2007). During the monitoring and evaluation exercise, I observed that organisation’s indicators of success dwelt more on how many right-holders have been given a piece of land as this would somehow indicate how many demanded their land rights. No emphasis was placed on investigating how many women really knew their rights and how many are more confident to articulate their demands.

The other explanation is that in areas that are outside Rumphi Township, there are still large acres of uncultivated land. As such, it was not difficult for the chiefs, husbands and brothers to give access to the right-holders.

Moreover, taking into account that in the past NGOs and donors have been criticized for opting to operate outside the existing local structures (Chinsinga

2007), the Tilitonse project tried to make sure that the right-holders work together with the existing structures in the community (Interview 01/10/13). In respect to this, the implementers instituted in each circle a five member committee consisting of a GVH, a member of Village Development Committee (VDC), a member of Adult Literacy, a member of Coalition of Women Farmers (COWFA) and a community representative. Considering that these members are active agents of development at local government structure, involving them directly in the project circles would have helped to link the right-holders with respective duty-bearers at district level. According to the stakeholders of the project, the committees were supposed to participate in the project activities. However, apart from the chiefs and the adult literacy members, the role of other members was not clear. Interviews with participating right-holders and facilitators also reveal that the committees seldom attended the weekly activities of the circles but only make themselves available when officers were visiting them. The reason for this according to the RWF was that the committees were not trained at the onset of the project as such they often complained that they did not know their role in the project activities.

The annual report shows that the organization of women in groups has ‘facilitated their coordination with banks and CSOs to partner with and provide loans to women on soft interest’ (ActionAid Malawi 2013b:4). However, my findings show that AAM only managed to link women with the Opportunity International Bank of Malawi (OIBM) and that the degree to which the project circles benefited from this development was very limited during the period when data was being collected. During the monitoring and evaluation process it was found that out of eight circles that participated, only one project circle was about to finish the process of getting loans. Moreover, interviews with all participating right-holders and facilitators indicated that they were informed about the development very late and they failed to

complete the procedure, which according to them was very difficult and included among others getting a recommendation letter from AAM and a fixed collateral, which most of the right-holders would not have afforded. The participating right-holders gave different explanations on the amount of the collateral, which proved that AAM and the RWF had not done much in providing relevant information on the money lending institution.

As it was pointed out above, the right-holders instituted Village Small Loans. According to the Tilitonse annual report, these were helping women economically, as they were able to save and borrow on soft interest, buy inputs and use the land productively (ActionAid Malawi 2013b). Contrary to the above, my findings revealed that the degree to which the VSLs were helpful to women to purchase farm inputs was limited. Interviews with most participating right-holders indicate that the businesses that they were engaging in were very small to cater for both household expenses and make sound weekly contributions to the VSLs, which would result to an increased income as a source of loan. Moreover, during the monitoring and evaluation exercise process, I noted that the right-holders did not have enough savings to buy farm inputs. It can therefore be argued that given the fact that most women in rural areas live from hand to mouth, not all them were able to make sound contributions to the VSLs that would enable them to buy farm inputs.

At the national level, as a result of campaigning strategy, there has been increased political support from duty bearers in respect to women's rights. For instance, the current Land Bill was suspended due to among other actors like chiefs and politicians; and campaigns of women in Rumphi and Phalombe districts through the Tilitonse project. These right-holders were empowered and had interface meetings with parliamentarians on the land Bill issue. The right-holders were supported by their implementing partners to present their issue paper at the parliament. The result of this was that the President did not

approve to some elements of the land Bill due to concerns raised by women and chiefs (ActionAid Malawi 2013b, Nation online 2013).

3.4 Summary

This chapter began with a discussion on the background of Malawi and it has demonstrated the countries prevalent poverty situation as evidenced in the poor enjoyment of social and economic rights and entrenched gender disparities in all aspects of life. It went further and showed how the Government's commitment to various international treaties has not been reflected on the ground and how this has paved way to international NGOs to try new strategies such as the HRBA to poverty reduction. This was followed by a discussion on how the HRBA is being operationalized at the local level by AAM by using an intervention on women's rights in Rumphi district. It showed that ActionAid's theory of change is an elaboration of the HRBA in practical terms and includes empowerment, solidarity and campaigning in order to achieve the desired change in the society.

The second section discussed the implementation challenges of the HRBA and focused on the principles of inclusiveness, participation, accountability and empowerment. The section noted that the realization of these principles is still work in progress as demonstrated in the continuation of unequal power relations between the implementers and the right-holders of the project. Lack of resources negatively affected the operations of project activities. The result was that the operationalization of the above mentioned principles were compromised.

The final section described the impact of the HRBA on women empowerment. It showed that the HRBA has aided in bridging the knowledge gap on women's rights, gender issues, patriarchy, land laws and improved farming practices on the right-holders. Further, the approach has led to changes in

attitudes by the chiefs who are the custodians of cultural practices that capable of resisting the desired change. At the national level, the role of the campaigning strategies in increasing the political support from the duty-bearers was credited. Despite this, the role of the OIBM Bank and the VSLs to promote economic empowerment of the right-holders was minimal.

4. Conclusion

This thesis is an examination of how the HRBA is operationalized by international NGOs at the local level and its impact in relation to women's empowerment. It focused on ActionAid's (AAM) intervention on women's rights in Malawi's Rumphi district. The point of departure was the popularity of the HRBA approach among development NGOs and I have critically reviewed the added value and critique of this approach. My aim was to investigate how the human rights ideal is being translated on the ground and whether, and to what extent, the HRBA can be an effective tool in reducing poverty, particularly among rural women. Such a focus is especially important in light of the fact that numerous previous attempts to improve the wellbeing of rural women have yielded minimal results. This study is significant as it usefully contributes to the general literature on the impact of the HRBA on empowerment of women in developing countries. In the following sections of this chapter, I will highlight three main sets of issues that I believe summarise the main findings of this thesis. These include the challenges faced in the implementation of the HRBA to development interventions, the impact of HRBA in relation to women's empowerment and the operationalization of the HRBA at the local levels. At the end of the chapter, I discuss some issues relevant for future research on the topic.

4.1 Implementation Challenges

This study confirmed that there are challenges in the implementation of a HRBA by NGOs at the local level. My findings indicate that low education levels and high-absenteeism among the right-holders challenged the operationalization of a HRBA in Tilitonse project. This affected the comprehension of lessons and restricted empowerment outcomes among the right-holders. Although the right-holders were aware of their rights, they were

not able to claim these and make demands from their respective duty-bearers. The study also noted that high absenteeism was intensified by expectation for immediate benefits by the right-holders. Although this behaviour can be attributed to the fact that the poor are typically accustomed to a service delivery model, as indicated by a majority of participating NGOs personnel, my study suggests that the nature of poverty among right-holders also provide an explanation for such behaviour. I have argued that their behaviour might change if some of their basic needs that require immediate attention are met either by the Government, or other CSOs.

Inadequate financial resources affected the operationalization of the HRBA by both the Government and the AAM staff. The study confirmed the general perception of state failure to respond to the needs of the right-holders. In addition, due to inadequate resources, AAM did not involve the right-holders during the initial processes of decision making such as the production of the main proposal document and REFLECT manuals. AAM did not incorporate redress mechanisms to address the claims of right-holders. The annual Participatory Review and Reflection Process (PRRP) that was carried out involved only 9% of the circles. At circle level, both AAM staff and RWF officers did not manage to supervise some of the REFLECT circles. In turn, this affected the desired down-ward accountability to the right-holders.

4.2 The Impact of HRBA in Relation to Women's Empowerment

The application of the HRBA in the Tilitonse project provided an opportunity for right-holders to discuss ways in which they could address and solve some of their daily challenges. In a strong patriarchal society, where the right-holders are silenced and not recognised as decision makers, such a contribution cannot be underestimated. The use of the REFLECT

methodology in the Tilitonse project, which emphasised on conscientization (a process whereby one becomes aware of conditions that cause oppression), helped to increase information on women's rights and awareness of retrogressive cultural practices that needed to be confronted. The result was the beginning of an empowerment process whereby the right-holders had known their land rights and began to question their cultural practices.

Moreover, the inclusion of the village chiefs as the immediate duty-bearers at community level and the custodians of cultural traditions, led to the change in attitudes towards the cultural practices that disadvantage the right-holders. My findings indicate that the chiefs took part in challenging the husbands of the right-holders to share their land and stop ill-treating their wives. The result was that more men in the community were willing to give pieces of land to the right-holders.

Some of the right-holders had taken significant strides in engaging with their duty-bearers both at house-hold and national levels. At the household level, dialogues with their husbands had begun to transform power relations as women were now able to take greater part in decision-making within their families, and many have witnessed a progressive change in local gender roles and a decline in domestic violence. At the national level, the campaigning activities have led to more political support. For example, Parliamentarians played a crucial role in influencing the land Bill so that women and the vulnerable groups could be guaranteed access to and control over land in the land laws. This is significant as changes in retrogressive law, is a step towards achieving political change.

However, my study also reveals that such intangible benefits are less appreciated by the right-holders who generally prefer to expect something tangible that can address their immediate economic needs. This shows that the right-holders and the implementers have different perspectives on what

“impact” means. To some extent, the right-holders are either used to the service delivery approach or discouraged with the HRBA initiatives that barely yield tangible benefits.

4.3 Operationalization of HRBA at the local level

In relation to the overall research question, the study reveals a partial operationalization of the HRBA at the local level by international NGOs. There is indeed a large gap between what the HRBA is assumed to deliver on paper and what it actually delivers on the ground. The HRBA, as applied by AAM in the Tilitonse project, generally succeeded in targeting the poorest groups of the population. Moreover, it also addressed, albeit to a lesser degree power imbalances among the donor, AAM, RWF and the right-holders. In the implementation of the project, a top-down approach - where the ideas of the donors and AAM were already imposed on the right-holders at conceptual level -, was visible at all stages. This watered down the desired meaningful participation of right-holders in decision-making. Consequently, this left no option for the right-holders about their immediate local problems as all project activities had been already decided for them.

My study further shows that the NGOs that adopt the HRBA in their work, do not generally take into account the social, political and economic situation at community and national levels. The legal framework that determines the relationship between the right-holders and the duty-bearers is also seldom considered. Access to the formal justice system is very limited in Malawi due to both financial constraints and physical remoteness. Moreover, even NGOs do not have adequate resources to address all issues at hand. Instead organisations are more likely to be swayed by a current development consensus in order to maintain their donor funding rather than investigate whether a particular approach would be appropriate in a particular context. I

suggest that these issues are very significant for a practical holistic approach where the right-holders demand their rights and the duty-bearers deliver.

Finally, when operationalizing the HRBA, most NGOs do not target the duty-bearers at the local levels. Thus, in the Tilitonse project, Government officers as main duty-bearers, were simply briefed but not trained or made aware of their obligations. The result was that either the duty-bearers did not understand their obligations or were not motivated to fulfil their obligations.

4.4 The Way Ahead

This study shows that the HRBA to development as operationalized by AAM in Tilitonse project, though desirable, ignores that lack of basic needs, perpetuate the subordination of women in Malawian context. Based on the research findings, I suggest that a focus on human rights alone cannot solve the challenges of women. Even the right-holders themselves have realised that human rights are inadequate. In view of this, the right-holder of circle category C5 queried that: “we have known our rights but we have no capital... how can we be independent when we have no money?” (Interview 4/12/13). Since awareness of rights does not lead to immediate tangible gains on women’s dire poverty situation, there is a need for development practitioners to rethink the development strategies.

Based on this observation, future research must investigate whether the HRBA alone is suitable for the poor people. While we do not want to discard the HRBA best practices, studies on how best the HRBA can be blended with other approaches to address the immediate needs of the poor would also be necessary. The blend of approaches would be relevant in developing countries like Malawi, where the application of the HRBA is still limited. The idea is that as the HRBA would address the main causes of poverty, which would

take a long time to be achieved, some of the immediate needs of the right-holders should be considered.

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6. Appendix: Interview Guide

NGOs Staff

1. According to the organizations orientation, how do you understand an HRBA to development? What are the main principles of the HRBA?
2. How many times have you been trained on the HRBA to development?
How often does your organization provide training on the HRBA?
3. How does your organization operationalize an HRBA at the local level?
4. How accountable is your organization to the stakeholders?
5. To what extent do you involve the beneficiaries/right-holders in development project activities e.g. Designing, monitoring and evaluation?
6. How do you engage the government as the primary duty-bearers?
7. What is the impact of using an HRBA in development programming?
8. Who are your donors? Are they pressing you in using an HRBA?
9. What are the challenges that your organization face in getting funds?
10. From the reports you get from your local partners, do the beneficiaries understand an HRBA?
11. Do you think an HRBA to development has brought in a change in the way development projects are implemented in your organisation?
12. What are the challenges that you face in the operationalization of the HRBA to development?

Village Heads

1. How was the project introduced in your community?
2. Were you informed of the objectives of the project before it was implemented in your area?

3. How are the subjects involved in the running of the project from implementation process to evaluation?
4. What is your role as a committee member of a REFLECT circle?
5. How accountable are the ActionAid staff and RWF to the beneficiaries and yourself in all project activities?
6. Is the project's objective to realize women's land rights and promote their economic life not in conflict with the cultural practices in the area?
7. What is the impact of the Tilitonse project on women at household and community level?

Right-holders

1. What are the challenges that you face at household and community level?
2. How do think you can improve your living condition?
3. In your own opinion, what is empowerment?
4. How was the project introduced to you?
5. Were you given enough information about the projects aims and activities prior to your decision to join it without external pressure?
6. To what extent does the project involve you in the following process: formulation of project activities, management of activities, monitoring of progress and evaluation?
7. How accountable are ActionAid staff and RWF to you as the beneficiaries?
8. What is the role of village head and government officials if at all they are directly involved in the project?
9. What is the immediate impact after your involvement in the project?
What have you gained so far through your involvement in the REFLECT circle activities?

10. Have you been granted a piece of land? What was the process of getting land? What is a proof that the land is yours forever?
11. If the project is to end today what is main thing that you have benefited from the project's intervention?
12. What are the challenges that you meet in your REFLECT circle?
13. How have you addressed the challenges?
14. Do you see the circle sustainable once the project has phased out?

Project Facilitators

1. How was the project introduced to you? Were you told about the objectives and activities prior to your decision to join the project?
2. How many members are in the circle at the moment?
3. At what topic are you discussing at the moment?
4. How many right-holders have acquired land since the inception of the project?
5. What is the average attendance of right-holders?
6. How many right-holders have withdrawn their attendance and why?
7. How many right-holders fall in these categories according to their education levels: Secondary school, primary school, illiterate.
8. How many action points have been approved so far? If none why?
9. What is the role of the village head and government officials?
10. How many times have you been supervised by ActionAid or RWF?
11. Do the right-holders understand the issues during the discussions? Are you satisfied as a facilitator?
12. Do you think the right-holders have benefited from the circle activities?
If yes, explain how?
13. What are the challenges that you face in the circle?
14. How have you addressed the challenges?
15. Do you see the circle sustainable once the project has phased out?

Interviews

NGOs Staff

ActionAid Malawi Officer, Lilongwe: 16 September 2013.

ActionAid Malawi Officer, Lilongwe: 1 October 2013.

ActionAid Malawi Officer, Rumphi: 26 September 2013.

CHRR officer, Lilongwe: 13 September 2013.

MHRC Officer, Lilongwe: 16 September 2013.

NCA Officer, Lilongwe: 17 September 2013.

Oxfam Malawi Officer, Lilongwe: 6 September 2013.

UNDP officer, Lilongwe: 12 September 2013.

Right-holders and Facilitators

Circle Category B1, Rumphi: 1 December 2013.

Circle Category B2, Rumphi: 10 October 2013.

Circle Category B3, Rumphi: 5 October 2013.

Circle Category B4, Rumphi: 21 October 2013.

Circle Category B5, Rumphi: 28 October 2013.

Circle Category C1, Rumphi: 2 November 2013.

Circle Category C2, Rumphi: 15 October 2013.

Circle Category C3, Rumphi: 16 November 2013.

Circle Category C4, Rumphi: 23 November 2013.

Circle Category C5, Rumphi: 4 December 2013.

Group Village Heads

GVH A1, Rumphi: 15 October 2013.

GVH A2, Rumphi: 23 November 2013.

GVH A3, Rumphi: 28 October 2013.

GVH A4, Rumphi: 29 September 2013.

Rumphi Women Offers

Rumphi, 4 December 2013.